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In subsections (c) and (d) of this section, the references to “apply[ing] for a license” are substituted for the former references to “mak[ing] the application as provided in this section” for clarity.

In the introductory language of subsection (d) of this section, the reference to one “individual” stockholder is added for clarity.

In subsection (e)(2) of this section, the former reference to “the name and address of the applicant” is deleted as duplicative of subsection (e)(1) of this section.

In subsection (e)(3) of this section, the defined term “club” is substituted for the former reference to an “association” to conform to the terminology used in this section.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(2)(i) of this section, the requirement that at least one of the three officers shall have been a resident in the State for 2 years immediately before the filing of the application may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Club” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

4–105. APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY.

(A) IN GENERAL.

(1) A LICENSE FOR THE USE OF A LIMITED LIABILITY COMPANY SHALL BE APPLIED FOR AND ISSUED TO, AS INDIVIDUALS:

(I) ALL OF THE AUTHORIZED INDIVIDUALS, IF THE LIMITED LIABILITY COMPANY HAS FEWER THAN THREE AUTHORIZED INDIVIDUALS; OR

(II) THREE AUTHORIZED INDIVIDUALS, IF THE LIMITED LIABILITY COMPANY HAS THREE OR MORE AUTHORIZED INDIVIDUALS.

(2) AT LEAST ONE OF THE AUTHORIZED INDIVIDUALS SHALL:

(I) HAVE BEEN A RESIDENT OF THE JURISDICTION OR MUNICIPALITY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND

(II) BE A REGISTERED VOTER AND TAXPAYER OF THE JURISDICTION OR MUNICIPALITY WHEN THE APPLICATION IS FILED.

(B) CONTENTS OF APPLICATION.

AN APPLICATION FOR A LIMITED LIABILITY COMPANY LICENSE SHALL INCLUDE:

(1) THE NAME, ADDRESS, AND SIGNATURE OF EACH AUTHORIZED INDIVIDUAL TO WHOM THE LICENSE SHALL BE ISSUED; AND

(2) THE NAME AND ADDRESS OF THE LIMITED LIABILITY COMPANY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(c)(2), (3)(i), (5)(ii), and, except as it related to an application filed with the Comptroller, (1)(i).

Throughout this section, the references to three authorized “individuals” are substituted for the former references to “persons” to clarify that they are human beings.

In subsection (a) of this section, the reference to a license “applied for” is substituted for the former reference to “make the application as provided in this section” for clarity.

In subsection (b)(2) of this section, the former reference to “the name and address of the applicant” is deleted as duplicative of subsection (b)(1) of this section.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(2)(i) of this section, the requirement that at least one of the authorized individuals shall have been a resident in the State for 2 years immediately before the filing of the application may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Jurisdiction” § 1–101

“License” § 1–101

4-106. PAYMENT OF NOTICE EXPENSES.**(A) TO BE PAID BY APPLICANT.**

AN APPLICANT FOR A LICENSE SHALL PAY THE EXPENSES TO PROVIDE:

(1) PUBLICATION OF THE NOTICE OF APPLICATION; AND

(2) NOTICE TO THE APPLICANT AND TO PERSONS THAT OPPOSE THE APPLICATION.

(B) MONEY DEPOSITED WITH LOCAL COLLECTING AGENT.

THE APPLICANT SHALL DEPOSIT MONEY IN ADVANCE WITH THE LOCAL COLLECTING AGENT TO COVER THE EXPENSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-105.

In subsection (b) of this section, the reference to "money" is substituted for the former reference to a "sufficient sum" for brevity.

Defined terms: "License" § 1-101
"Local collecting agent" § 1-101
"Person" § 1-101

4-107. CRIMINAL HISTORY RECORDS CHECK.**(A) APPLICATION TO CENTRAL REPOSITORY.**

A LOCAL LICENSING BOARD MAY APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A LICENSE.

(B) ITEMS REQUIRED TO BE SUBMITTED.

AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, A LOCAL LICENSING BOARD SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

(3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) RECIPIENTS OF CRIMINAL HISTORY RECORD INFORMATION.

IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT FOR A LICENSE AND THE LOCAL LICENSING BOARD THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

(D) CONFIDENTIALITY OF INFORMATION.

INFORMATION OBTAINED BY THE LOCAL LICENSING BOARD FROM THE CENTRAL REPOSITORY UNDER THIS SECTION SHALL BE:

(1) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(2) USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS SECTION.

(E) PROCEDURE TO CONTEST CONTENTS OF STATEMENT.

THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

(F) PROVIDING REVISED CRIMINAL HISTORY RECORD INFORMATION.

(1) WHEN CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT OR LICENSE HOLDER IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE INITIAL CRIMINAL HISTORY RECORDS CHECK IS COMPLETED, THE CENTRAL REPOSITORY SHALL PROVIDE THE LOCAL LICENSING BOARD WITH A REVISED PRINTED STATEMENT OF THE CRIMINAL RECORD OF THE APPLICANT OR LICENSE HOLDER.

(2) IF THE LOCAL LICENSING BOARD INFORMS THE CENTRAL REPOSITORY THAT AN INDIVIDUAL IS NO LONGER AN APPLICANT OR LICENSE HOLDER, THE CENTRAL REPOSITORY SHALL STOP PROVIDING THE LOCAL

LICENSING BOARD WITH REVISED PRINTED STATEMENTS OF THE CRIMINAL RECORD OF THE INDIVIDUAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(a–1)(2) through (8), (b)(9)(v)3 and, as it related to disseminating information to the public, 4, and (13)(ii)2, (iv)1, (v)1, (vi)2A, B, and the first sentence of C, (vii)2, (viii)1, (ix)1, (x)3A, B, and C, (xi)1, as it related to applications, (xii)1 and 3A, (xiii)3 and, as it related to disseminating information to the public, 4, (xiv)1, (xv)2 through 6, (c)(1)(i) through (iii), (d)(3), (4), and (7)(ii), and (e)(3), (5)(i) and (ii), and (7).

This section follows the standard language of the Department of Public Safety and Correctional Services and the Federal Bureau of Investigation to be used for the process of applying for and receiving a State and federal background check. Provisions in the former law that vary substantively from the standard language are found in the appropriate titles in Division II of this article.

In the introductory language of subsection (d) of this section, the phrase “by the local licensing board” is added for clarity.

Former Art. 2B, § 10–103(a–1)(1), which provided for the application of subsection (f) of this section, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–103(b)(9)(v)1A and B and (13)(xiii)1A and B and (e)(1)(i) and (ii), which contained the standard introductory language for a definition provision and defined “applicant” to mean, in part, an applicant for an alcoholic beverages license, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–103(b)(9)(v)1C, which defined “Board” to mean the Board of License Commissioners of Somerset County, is deleted as included in the defined term “local licensing board”. Similarly, former Art. 2B, § 10–103(b)(13)(xiii)1C, which defined “Board” to mean the Board of Liquor License Commissioners of Talbot County, is deleted. Similarly, former Art. 2B, § 10–103(b)(13)(xv)1, which defined “Board” to mean the Anne Arundel County Board of License Commissioners, is deleted. Similarly, former Art. 2B, § 10–103(d)(1), which defined “Board” to mean the St. Mary’s County Alcoholic Beverage Board, is deleted. Similarly, former Art. 2B, § 10–103(e)(1)(iii), which defined “Board” to mean the Board of License Commissioners of Washington County, is deleted.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (a) of this section merely states that a local licensing board may apply for a State and national criminal history records check, but does not require a check to be made. In fact, the Federal Bureau of Investigation does not comply with the request if the check is not

required. In Division II of this article, however, several jurisdictions are required to apply for a check. In those cases, the Federal Bureau of Investigation will routinely perform the check.

Defined terms: “Central Repository” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

4–108. APPLICATION FORM REQUIRED BY COMPTROLLER.

AN APPLICANT SHALL FILE A SWORN APPLICATION FOR A LICENSE WITH THE APPLICABLE LOCAL LICENSING BOARD ON THE FORM THAT THE COMPTROLLER REQUIRES.

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of the introductory language of former Art. 2B, § 10–103(b).

The former phrase “[e]xcept as otherwise provided in this subtitle” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

4–109. REQUIRED INFORMATION ON APPLICATION — IN GENERAL.

(A) STATEMENTS OF APPLICANT.

ON A LICENSE APPLICATION, AN APPLICANT SHALL STATE:

- (1) THE CLASS OF LICENSE FOR WHICH THE APPLICANT IS APPLYING;**
- (2) THE NAME AND ADDRESS OF THE APPLICANT AND HOW LONG THE APPLICANT HAS RESIDED AT THAT ADDRESS;**
- (3) THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES;**
- (4) THAT FOR THE 2 YEARS IMMEDIATELY BEFORE FILING THE APPLICATION THE APPLICANT HAS BEEN A RESIDENT OF THE JURISDICTION IN WHICH THE APPLICANT PROPOSES TO OPERATE UNDER THE LICENSE FOR WHICH THE APPLICANT IS APPLYING;**

(5) THE AGE AND SEX OF THE APPLICANT;

(6) THE BIRTH PLACE OF THE APPLICANT, AND IF THE APPLICANT IS A NATURALIZED CITIZEN, THE DATE AND PLACE THE APPLICANT WAS NATURALIZED;

(7) A DESCRIPTION OF THE PLACE FOR WHICH THE LICENSE IS SOUGHT, INCLUDING:

(I) THE STREET AND NUMBER, IF PRACTICABLE, OR OTHER DESCRIPTION THAT DEFINITELY LOCATES THE PLACE; AND

(II) A DESCRIPTION OF THE PORTION OF THE BUILDING IN WHICH THE BUSINESS WILL BE CONDUCTED;

(8) THE NAME OF THE OWNER OF THE LOCATION WHERE THE BUSINESS TO BE LICENSED IS TO BE CONDUCTED;

(9) THAT THE APPLICANT HAS NEVER BEEN CONVICTED OF A FELONY;

(10) WHETHER THE APPLICANT HAS EVER BEEN FOUND GUILTY OF VIOLATING A LAW IN THE STATE GOVERNING THE SALE OF ALCOHOLIC BEVERAGES OR THE PREVENTION OF GAMBLING;

(11) THAT THE APPLICANT HAS A FINANCIAL INTEREST IN THE BUSINESS TO BE CONDUCTED UNDER THE LICENSE;

(12) THAT THE APPLICANT HAS NOT HAD A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES REVOKED;

(13) THAT THE APPLICANT OR A PERSON ON BEHALF OF WHOM THE APPLICATION IS FILED DOES NOT HAVE A FINANCIAL INTEREST IN THE JURISDICTION IN ANY OTHER PLACE OF BUSINESS IN THE JURISDICTION FOR WHICH AN ALCOHOLIC BEVERAGE LICENSE HAS BEEN APPLIED FOR OR ISSUED;

(14) WHETHER THE APPLICANT HAS BEEN FOUND GUILTY OF VIOLATING A STATE OR FEDERAL LAW;

(15) WHETHER THE APPLICANT HAS HELD A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES AND, IF SO, THE NAME OF THE STATE AND THE LOCATION WHERE THE LICENSE WAS HELD;

(16) THAT DURING THE TERM OF THE LICENSE, A PERSON OTHER THAN THE APPLICANT WILL NOT HAVE A FINANCIAL INTEREST IN THE LICENSE OR IN THE BUSINESS TO BE CONDUCTED UNDER THE LICENSE;

(17) THAT A MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER, DIRECTLY OR INDIRECTLY, DOES NOT HAVE A FINANCIAL INTEREST IN THE PREMISES OR BUSINESS OF THE APPLICANT;

(18) THAT AFTER RECEIPT OF A LICENSE, THE APPLICANT WILL NOT CONVEY OR GRANT AN INTEREST IN THE LOCATION OR BUSINESS TO A MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER, EXCEPT AS AUTHORIZED UNDER THIS ARTICLE;

(19) THAT, EXCEPT FOR THE PURCHASE OF ALCOHOLIC BEVERAGES, WHEN APPLYING FOR THE LICENSE, THE APPLICANT DOES NOT HAVE INDEBTEDNESS OR OTHER FINANCIAL OBLIGATION TO A MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER;

(20) THAT AFTER THE LICENSE IS ISSUED, THE APPLICANT WILL NOT INCUR, DIRECTLY OR INDIRECTLY, INDEBTEDNESS OR OTHER FINANCIAL OBLIGATION OTHER THAN FOR THE PURCHASE OF ALCOHOLIC BEVERAGES TO A MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER; AND

(21) THAT, IF ISSUED A LICENSE, THE APPLICANT WILL CONFORM TO ALL LAWS AND REGULATIONS RELATING TO THE BUSINESS IN WHICH THE APPLICANT PROPOSES TO ENGAGE.

(B) STATEMENTS OF OWNER OF PREMISES.

THE APPLICATION SHALL ALSO INCLUDE A STATEMENT EXECUTED AND ACKNOWLEDGED BY THE OWNER OF THE LOCATION WHERE THE BUSINESS IS TO BE CONDUCTED THAT:

(1) AGREES TO THE ISSUANCE OF THE LICENSE; AND

(2) AUTHORIZES A WARRANTLESS INSPECTION AND SEARCH OF THE PREMISES AT ANY TIME IN ANY PART OF THE BUILDING IN WHICH THE BUSINESS IS TO BE CONDUCTED BY:

(I) THE COMPTROLLER;

(II) THE LOCAL LICENSING BOARD AND ITS AUTHORIZED AGENTS AND EMPLOYEES; OR

**(III) A PEACE OFFICER OF THE COUNTY OR MUNICIPALITY
WHERE THE BUSINESS IS TO BE LOCATED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(1), (2), (3)(i), (4)(i), (5), (6), (7), (8), (9)(i), (10), (11), (12), (13)(i)1, (14), (15), (16), and (17)(i).

Throughout this section, the references to “financial” are substituted for the former references to “pecuniary” and “pecuniarily” for clarity.

In subsection (a)(4) of this section, the reference to the 2 years “immediately before” filing the application is substituted for the former reference to 2 years “next preceding” the filing for clarity.

Also in subsection (a)(4) of this section, the former phrase “[e]xcept as otherwise provided in subparagraphs (iii) and (iv) of this paragraph” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a)(4) of this section, the former reference to the “City of Baltimore” is deleted as included in the defined term “jurisdiction”.

In the introductory language of subsection (a)(7) of this section, the reference to a “description” is added for clarity.

Also in the introductory language of subsection (a)(7) of this section, the former reference to a “particular” place is deleted as surplusage.

In subsection (a)(7)(i) of this section, the former reference to an “apt” description is deleted as surplusage.

In subsection (a)(13) of this section, the former phrase “except as otherwise permitted in this article” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a)(13) of this section, the former phrase “under this article” is deleted as surplusage.

In subsection (a)(14) of this section, the reference to a “State or federal law” is substituted for the former phrase “offense against the laws of the State or of the United States” for brevity.

In subsection (a)(16) of this section, the reference to the “term” of the license is substituted for the former reference to the “continuance” of the license for clarity.

In subsection (a)(18) of this section, the reference to “location” is substituted for the former reference to “premises” to conform to the terminology used throughout this article.

In subsection (a)(21) of this section, the former reference to “granted” is deleted as redundant of the reference to “issued”.

In subsection (b)(2)(i) of this section, the former reference to the Comptroller’s “duly authorized deputies, inspectors and clerks” is deleted as included in the defined term “Comptroller”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirement under subsection (a)(4) of this section may be unconstitutional. The requirement states that for the 2 years immediately before filing a license application the applicant must be a resident of the jurisdiction in which the applicant proposes to operate under the license. This requirement may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“County” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

4–110. REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT.

THE APPLICATION SHALL ALSO INCLUDE A PETITION OF SUPPORT SIGNED BY AT LEAST 10 RESIDENTS WHO ARE OWNERS OF REAL ESTATE AND REGISTERED VOTERS OF THE PRECINCT IN WHICH THE BUSINESS IS TO BE CONDUCTED STATING:

(1) THE LENGTH OF TIME EACH OF THE RESIDENTS HAS BEEN ACQUAINTED WITH THE APPLICANT OR, IF THE APPLICANT IS A CORPORATION, ACQUAINTED WITH THE INDIVIDUALS MAKING THE APPLICATION;

(2) THAT THEY HAVE EXAMINED THE APPLICATION, HAVE GOOD REASON TO BELIEVE THAT THE STATEMENTS CONTAINED IN THE APPLICATION ARE

TRUE, AND IN THEIR JUDGMENT THE APPLICANT IS A SUITABLE PERSON TO OBTAIN THE LICENSE; AND

(3) THAT THEY ARE FAMILIAR WITH THE PREMISES ON WHICH THE PROPOSED BUSINESS IS TO BE CONDUCTED AND THAT THEY BELIEVE THE PREMISES ARE SUITABLE FOR THE CONDUCT OF BUSINESS AS A RETAIL DEALER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(18)(i).

In the introductory language of this section, the reference to a “petition of support” is substituted for the former reference to a “certificate” to conform to terminology used throughout this subtitle.

Also in the introductory language of this section, the reference to “residents” is substituted for the former reference to “citizens” for clarity.

In item (3) of this section, the former reference to a retail dealer “in alcoholic beverages” is deleted as included in the defined term “retail dealer”.

Defined terms: “License” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

4–111. PAYMENT OF LICENSE FEES.

THE ANNUAL FEE FOR ALL LICENSES SHALL BE PAID TO THE LOCAL COLLECTING AGENT BEFORE THE LICENSE IS ISSUED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3–101(a)(2), 3–201(a)(2), 3–301(a)(2), 3–401(a)(2), 5–101(a)(2), 5–201(a)(2), 5–202(b)(2), 5–301(a)(2), 5–401(a)(2), 6–101(a)(2), 6–201(a)(2), 6–301(a)(2), and 6–401(a)(2).

The general reference to “all licenses” is substituted for the former references to each specific license for brevity.

Defined terms: “License” § 1–101

“Local collecting agent” § 1–101

4–112. DISPOSITION OF LICENSE FEES.

THE LOCAL COLLECTING AGENT SHALL REMIT ALL LICENSE FEES COLLECTED UNDER THIS ARTICLE TO:

(1) THE BOARD OF COUNTY COMMISSIONERS OR THE FISCAL OFFICER FOR THE COUNTY; OR

(2) THE ANNAPOLIS CITY COUNCIL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(a)(1).

In this section, the reference to “the Annapolis City Council” is added to reflect that the City of Annapolis has authority to regulate alcoholic beverages under this article, just as a county and the City of Baltimore do.

Also in this section, the former obsolete reference to “the Mayor and City Council of Baltimore” is deleted in light of § 12–205 of this article, which requires that revenue from license fees be payable to the Director of Finance.

In the introductory language of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–204(k), which stated that former § 10–204(a) applied in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 1–101

“License” § 1–101

“Local collecting agent” § 1–101

4–113. REFUND OF LICENSE FEES.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER IS NOT ENTITLED TO A REFUND OF THE UNEARNED PORTION OF THE LICENSE FEE.

(B) INSTANCES WHEN REFUNDS ARE AUTHORIZED.

A REFUND SHALL BE ISSUED TO A LICENSE HOLDER ON SURRENDER OF THE LICENSE IF:

(1) RECEIVERSHIP OR BANKRUPTCY OF THE BUSINESS ENTITY ON WHOSE BEHALF THE LICENSE WAS ISSUED OCCURS AND A LICENSE TRANSFER IS NOT REQUESTED, WITH THE REFUND ISSUED FOR THE BENEFIT OF THE CREDITORS OF THE LICENSE HOLDER;

(2) THE LICENSE HOLDER DIES, WITH THE REFUND ISSUED FOR THE BENEFIT OF THE ESTATE OF THE DECEASED LICENSE HOLDER;

(3) THE LICENSE HOLDER VOLUNTEERS FOR OR HAS BEEN CALLED INTO THE ARMED FORCES OF THE UNITED STATES OR THE ORGANIZED STATE MILITIA;

(4) THE LICENSE HOLDER SURRENDERS A LICENSE AND OBTAINS A NEW LICENSE OF ANOTHER CLASS CARRYING A HIGHER FEE, WITH THE REFUND DEDUCTED FROM THE HIGHER FEE;

(5) A LICENSE HOLDER, AGAINST WHOM CHARGES ARE PENDING WHEN THE LICENSE IS RENEWED, IS FOUND GUILTY AND THE LICENSE IS REVOKED, WITH THE REFUND ISSUED TO THE LICENSE HOLDER IN AN AMOUNT BASED ON THE DATE THAT THE REVOCATION BECOMES FINAL;

(6) THE ISSUANCE OF A LICENSE BY A LOCAL LICENSING BOARD IS REVERSED ON JUDICIAL REVIEW AND THE OPERATION OF THE ESTABLISHMENT IS PROHIBITED, WITH THE REFUND ISSUED TO THE LICENSE HOLDER IN AN AMOUNT BASED ON THE DATE THAT THE REFUSAL TO GRANT THE RENEWAL BECOMES FINAL; OR

(7) THE LICENSED PREMISES IS TAKEN BY THE FEDERAL GOVERNMENT, THE STATE, OR A MUNICIPALITY FOR PUBLIC USE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–205(a).

In subsection (b)(3) of this section, the reference to the “organized” State militia is substituted for the former obsolete reference to the “regular” State militia to conform to the terminology of § 13–203(b) of the Public Safety Article.

In subsection (b)(4) of this section, the reference to the “higher fee” is substituted for the former reference to the “amount of the fee to be paid for the newly obtained license” for brevity.

In subsection (b)(6) of this section, the reference to the “operation of the establishment” is added for clarity.

Also in subsection (b)(6) of this section, the reference to a “judicial review” is substituted for the former reference to an “appeal” for accuracy.

Also in subsection (b)(6) of this section, the reference to “the date that the refusal to grant the renewal becomes final” is substituted for the former reference to “the date the revocation becomes final” for accuracy.

In subsection (b)(7) of this section, the former reference to a “city” is deleted as included in the reference to a “municipality”.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

4–114. FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO TEMPORARY LICENSES.

(B) FEE SCHEDULE.

THE FEE FOR A LICENSE ISSUED FOR LESS THAN 1 YEAR IS:

(1) THE FULL ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE FIRST QUARTER OF THE LICENSE YEAR;

(2) THREE–FOURTHS OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE SECOND QUARTER OF THE LICENSE YEAR;

(3) ONE–HALF OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE THIRD QUARTER OF THE LICENSE YEAR; AND

(4) ONE–FOURTH OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE FOURTH QUARTER OF THE LICENSE YEAR.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–207(a).

In subsection (a) of this section, the former reference to “special” licenses is deleted as included in the reference to “temporary” licenses.

Defined term: “License” § 1–101

SUBTITLE 2. ISSUANCE OR DENIAL OF LOCAL LICENSES.

4–201. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR'S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

4-202. AUTHORITY OF LOCAL LICENSING BOARDS.

(A) IN GENERAL.

A LOCAL LICENSING BOARD IS AUTHORIZED TO ISSUE LICENSES IN ITS JURISDICTION.

(B) LICENSES TO BE ISSUED ONLY TO INDIVIDUALS.

A LICENSE MAY NOT BE ISSUED TO A PARTNERSHIP, CORPORATION, OR LIMITED LIABILITY COMPANY BUT ONLY TO AN INDIVIDUAL AUTHORIZED TO ACT FOR A PARTNERSHIP, CORPORATION, OR LIMITED LIABILITY COMPANY.

(C) LICENSE HOLDER SUBJECT TO PENALTIES, CONDITIONS, AND RESTRICTIONS.

A LICENSE HOLDER SHALL ASSUME ALL RESPONSIBILITIES AS AN INDIVIDUAL AND BE SUBJECT TO ALL PENALTIES, CONDITIONS, AND RESTRICTIONS IMPOSED ON LICENSE HOLDERS UNDER THIS ARTICLE AND THE PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX.

(D) REGULATORY POWERS OF LOCAL LICENSING BOARD.

A LOCAL LICENSING BOARD BY REGULATION MAY:

(1) RESTRICT, IN ACCORDANCE WITH A DEFINITE STANDARD, THE NUMBER OF LICENSES THAT THE LOCAL LICENSING BOARD CONSIDERS SUFFICIENT FOR A NEIGHBORHOOD;

(2) REGULATE THE USE OF MECHANICAL MUSIC BOXES AND OTHER SOUND-MAKING DEVICES;

(3) DIVIDE A MUNICIPALITY OR COUNTY INTO DISTRICTS; AND

(4) ESTABLISH AREAS IN WHICH A LICENSE MAY NOT BE ISSUED.

(E) JUDICIAL REVIEW.

AN APPLICANT FOR A LICENSE OR A LICENSE HOLDER WHO IS AGGRIEVED BY A REGULATION ADOPTED UNDER THIS SECTION MAY SEEK JUDICIAL REVIEW AS PROVIDED IN SUBTITLE 9 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–201, 15–112(a)(1), and the first sentence of 9–101(a)(1).

In subsection (d)(1) of this section, the former reference to the authority to “limit” the number of licenses is deleted as included in the reference to the authority to “restrict” the number of licenses.

In subsection (d)(2) of this section, the former reference authorizing a board to “limit” the use of mechanical music boxes is deleted as included in the reference authorizing a board to “regulate” the boxes.

In subsection (d)(3) of this section, the reference to “a municipality” is substituted for the former reference to “the city” to conform to the terminology used throughout this article.

In subsection (e) of this section, the reference to “a regulation adopted under this section” is substituted for the former reference to “any limitation, restriction or prohibition imposed by any board” for clarity.

Also in subsection (e) of this section, the reference to “judicial review” is substituted for the former reference to “appeal” for accuracy. Appeals properly refer only to the process of seeking and obtaining review of a decision by a lower court.

Former Art. 2B, § 15–112(a)(3), which defined “Board” to mean “the Board of License Commissioners, unless otherwise noted”, is deleted as unnecessary in light of the defined term “local licensing board”.

Defined terms: “County” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

4–203. PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN DIVISION II OF THIS ARTICLE OR TITLE 3, TITLE 4, OR TITLE 5 OF THIS DIVISION, MORE THAN ONE LICENSE MAY NOT BE ISSUED:

(1) TO AN INDIVIDUAL; OR

(2) FOR THE USE OF A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY.

(B) ISSUANCE OF MULTIPLE CLASS A, C, OR D LICENSES THROUGHOUT THE STATE.

EXCEPT AS OTHERWISE PROVIDED IN DIVISION II OF THIS ARTICLE OR TITLE 3, TITLE 4, OR TITLE 5 OF THIS DIVISION, AN INDIVIDUAL MAY NOT BE ISSUED IN THE STATE MORE THAN ONE CLASS A, CLASS C, OR CLASS D LICENSE FOR THE USE OF:

(1) THAT INDIVIDUAL; OR

(2) A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–102(a)(1) and 9–107(a), except as they related to license renewals.

In the introductory language of subsections (a) and (b) of this section, the references to “Division II of this article or Title 3, Title 4, or Title 5 of this division” are substituted for the former references to “this section” and “§ 9–102(j)(4) of this subtitle” for accuracy.

In the introductory language of subsection (a) of this section, the former references to “any county or Baltimore City” and “Baltimore City or any county of the State” are deleted as implicit.

Former Art. 2B, § 9–102(a)(3), which exempted certain licenses from the prohibition against holding multiple licenses, is deleted as included in the phrase “[e]xcept as otherwise provided in Division II of this article or Title 3, Title 4, or Title 5 of this division”. The licenses exempted in former § 9–102(a)(3) were Class B–CC licenses, Class B licenses, and Class MEC licenses in Frederick County, Class BH licenses, Class B–DD licenses, Class B–CC licenses, and Class B–AE licenses in Prince George’s County, Class C beer and Class C beer and wine licenses, airport concessionaire licenses, certain restaurant licenses in Prince George’s County, a golf course license in

Baltimore City, a beer tasting license in Washington County, certain Class B licenses in Montgomery County, certain Class A licenses in Prince George's County, and certain Class B, Class C, Class D, and Class H licenses in Anne Arundel County.

Former Art. 2B, § 9–107(b), which stated that former § 9–107 “may not be construed to abrogate or alter any restrictions on the issuance of any class of license otherwise contained in former Art. 2B, § 9–102”, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9–107(c), which stated that former § 9–107 “may not be construed to prohibit the issuance of any license otherwise expressly permitted under this article”, is deleted because it merely restated the normal rule of statutory interpretation.

Former Art. 2B, § 9–107(d), which stated that former § 9–107 “may not be construed to prohibit the issuance of any license to any individual for that individual or for the use of any partnership, corporation, unincorporated association, or limited liability company if the license is issued for premises which are outdoor amphitheaters, centers for the performing arts, stadiums, or sports arenas”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License” § 1–101
“State” § 1–101

4–204. PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES.

EXCEPT AS OTHERWISE PROVIDED IN DIVISION II OF THIS ARTICLE, A LOCAL LICENSING BOARD MAY NOT ISSUE MORE THAN ONE LICENSE FOR USE AT THE SAME PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(a)(2).

The reference to a “local licensing board” is added for clarity.

The reference to “Division II of this article” is substituted for the former reference to “§§ 2–201 through 2–208, 2–301, and 6–701 and Title 7.5 of this article” for brevity.

Defined terms: “License” § 1–101
“Local licensing board” § 1–101

4–205. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

(1) AN ESTABLISHMENT THAT ALREADY HOLDS A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE; OR

(2) A LICENSE HOLDER THAT SELLS ALCOHOLIC BEVERAGES AT DISCOUNT PRICES.

(B) ISSUANCE PROHIBITED.

A LOCAL LICENSING BOARD MAY NOT ISSUE A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE FOR USE IN CONJUNCTION WITH OR ON THE PREMISES OF:

(1) A CHAIN STORE;

(2) A SUPERMARKET; OR

(3) A DISCOUNT HOUSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(a–1), except as it related to the transfer or renewal of a license for a chain store, supermarket, or discount house.

In the introductory language of subsection (a) of this section, the former reference to not “affect[ing]” an establishment is deleted as surplusage.

In subsection (a)(2) of this section, the reference to a license holder that sells “alcoholic beverages” is added for clarity.

In subsection (b) of this section, the former reference to the issuance of a license on the premises of “any business establishment of the type commonly known as” a chain store, supermarket, or discount house is deleted as unnecessary.

Also in subsection (b) of this section, the reference to prohibiting “[a] local licensing board” from issuing a license under certain circumstances is added for clarity.

Also in subsection (b) of this section, the former reference to a license “granted” is deleted as included in the reference to a license “issue[d]”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Wine” § 1–101

4–206. LIMITATIONS ON RETAIL SALES FLOOR SPACE.

(A) “FLOOR SPACE” DEFINED.

(1) IN THIS SECTION, “FLOOR SPACE” MEANS THE SPACE DEVOTED TO THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR OFF–PREMISES CONSUMPTION THAT:

(I) FOR A LICENSE WITHOUT ON–PREMISES CONSUMPTION PRIVILEGES, IS WITHIN THE FOUR WALLS OF THE BUILDING FROM WHICH THE LICENSED BUSINESS OPERATES; OR

(II) FOR A LICENSE WITH ON–PREMISES CONSUMPTION AND OFF–PREMISES CONSUMPTION PRIVILEGES, IS USED TO SELL, DISPLAY, OR STORE ALCOHOLIC BEVERAGES.

(2) “FLOOR SPACE” INCLUDES:

(I) A BASEMENT IN A LICENSED PREMISES; AND

(II) ANY AREA OFF THE LICENSED PREMISES WHERE THE ALCOHOLIC BEVERAGES ARE LAWFULLY STORED.

(B) FLOOR SPACE RESTRICTION.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:

(1) A LOCAL LICENSING BOARD MAY NOT ISSUE A LICENSE FOR USE IN AN ESTABLISHMENT IN WHICH MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE IS TO BE DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF–PREMISES CONSUMPTION; AND

(2) A FOOD STORE ISSUED A LICENSE ON OR BEFORE OCTOBER 1, 1997, MAY NOT EXPAND THE FLOOR SPACE OF ITS ALCOHOLIC BEVERAGES DEPARTMENT BEYOND A TOTAL OF 10,000 SQUARE FEET, WITHOUT REGARD TO THE TOTAL AREA AVAILABLE WITHIN THE FOUR WALLS OF THE BUSINESS PREMISES.

(C) APPLICATION FOR MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE.

(1) A LOCAL LICENSING BOARD MAY ISSUE A LICENSE FOR USE IN PREMISES IN WHICH MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE IS DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION, IF THE LOCAL LICENSING BOARD:

(I) HOLDS A PUBLIC HEARING;

(II) DETERMINES THAT THE ISSUANCE OF THE LICENSE:

1. WOULD SERVE THE PUBLIC NEED; AND

2. WOULD NOT ADVERSELY IMPACT EXISTING RETAIL LICENSE HOLDERS IN THE IMMEDIATE VICINITY OF THE PREMISES, INCLUDING THOSE LICENSE HOLDERS THAT MAY BE IN A CONTIGUOUS COUNTY OR CITY; AND

(III) OBTAINS FROM THE COMPTROLLER A WRITTEN REPORT IN WHICH THE COMPTROLLER DETERMINES THAT THE ISSUANCE OF THE LICENSE:

1. WOULD NOT ADVERSELY AFFECT THE ORDERLY DISTRIBUTION OF ALCOHOLIC BEVERAGES IN THE STATE; AND

2. WOULD COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS ARTICLE RELATING TO THE ISSUANCE OF MULTIPLE LICENSES.

(2) IF THE COMPTROLLER DETERMINES THAT AN APPLICATION SUBMITTED UNDER THIS SUBSECTION DOES NOT MEET THE CRITERIA PROVIDED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE LOCAL LICENSING BOARD MAY NOT ISSUE THE LICENSE.

(D) APPLICATION TO EXPAND EXISTING FLOOR SPACE UP TO 10,000 SQUARE FEET.

THERE IS NO PRESUMPTION IN FAVOR OF OR WHICH OTHERWISE REQUIRES A LOCAL LICENSING BOARD TO APPROVE A REQUEST BY A LICENSE HOLDER TO EXPAND THE AMOUNT OF SPACE DEVOTED TO THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION UP TO 10,000 SQUARE FEET, UNLESS THE LOCAL LICENSING BOARD FINDS THAT:

**(1) THE EXPANSION IS NECESSARY TO ACCOMMODATE THE PUBLIC;
AND**

(2) THE LICENSE HOLDER OTHERWISE CONTINUES TO MEET THE CRITERIA FOR THE ISSUANCE OR TRANSFER OF A LICENSE AND ANY OTHER CONDITION THAT THE LOCAL LICENSING BOARD IMPOSES.

(E) EFFECT OF SECTION.

THIS SECTION DOES NOT PROHIBIT THE RENEWAL OR TRANSFER OF OWNERSHIP OR LOCATION OF A LICENSE ISSUED FOR USE BY AN ESTABLISHMENT THAT ON OR BEFORE OCTOBER 1, 1997, HAD MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–108(c) through (g).

In the introductory language of subsection (a)(1) of this section, the word “means” is substituted for the former phrase “shall be considered” to conform to the terminology used in revised articles to introduce a definition.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “[e]xcept as to food stores that had an alcoholic beverages license on or before October 1, 1997” is deleted as unnecessary in light of subsection (e) of this section.

In subsection (a)(1)(ii) of this section, the former reference to space “actually” used is deleted as surplusage.

In the introductory language of subsection (a)(2) of this section, the former phrase “[i]n all cases” is deleted as surplusage.

In subsection (a)(2)(ii) of this section, the former phrase “at any time” is deleted as surplusage.

In subsections (b) through (e) of this section, the references to “the sale of alcoholic beverages for off-premises consumption” are substituted for the former references to “off-sale” for clarity.

In subsections (b) through (d) of this section, the defined term “local licensing board” is substituted for the former reference to a “Board” for clarity.

In subsection (b)(1) of this section, the reference to “an establishment” is substituted for the former reference to “premises” because in this revised article “premises” applies only to an establishment for which a license has already been issued.

Also in subsection (b)(1) of this section, the former reference to floor space “used for the sale, display, or storage of the beverages” is deleted as redundant of the definition of “floor space”. Similarly, in subsection (b)(2) of this section, the former reference to floor space of an alcoholic beverages department, “including sales, display, and storage areas,” is deleted.

In subsection (b)(2) of this section, the defined term “floor space” is substituted for the former reference to “actual square footage” for clarity.

In subsection (c)(1)(iii) of this section, the reference to a written “report” is substituted for the former reference to a written “review and approval” for brevity.

In subsection (d) of this section, the former reference to a local licensing board that finds “based on the evidence presented to it” that expansion is necessary to accommodate the public is deleted as implicit in the reference to “finds”.

In subsection (e) of this section, the phrase “for use by” is substituted for the former phrase “in conjunction with” to conform to the terminology used throughout this article.

Also in subsection (e) of this section, the reference to “an establishment” is substituted for the former reference to “any business” to conform to the terminology used throughout this article.

Former Art. 2B, § 9–108(b)(1), which was the introductory language to a definition subsection, is deleted as unnecessary because there is no longer a list of defined terms for this revised section.

Former Art. 2B, § 9–108(b)(2), which defined “Board”, is deleted as unnecessary because that term is not used in this revised section.

Former Art. 2B, § 9–108(b)(3), which defined “food stores” to include supermarkets, is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section leaves unclear the answer to the following question: if a license holder with more than 10,000 square feet of floor space before October 1, 1997 – and thus grandfathered under subsection (e) of this section – wishes to expand the licensed premises even further, would the license holder be subject to the hearing and approval procedures under subsection (c) of this section?

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“County” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

4–207. LICENSES ISSUED TO MINORS.

(A) PROHIBITED WITHOUT JUDICIAL SPECIAL ORDER.

A LOCAL LICENSING BOARD MAY NOT ISSUE A LICENSE TO A MINOR WITHOUT A SPECIAL ORDER GRANTED BY A JUDGE.

(B) RECOMMENDATION OF LOCAL RESIDENTS REQUIRED.

A JUDGE MAY GRANT A SPECIAL ORDER FOR THE LOCAL LICENSING BOARD TO ISSUE A LICENSE TO A MINOR ONLY ON THE RECOMMENDATION OF AT LEAST 10 RESIDENTS OF THE DISTRICT IN WHICH THE LICENSE WILL BE OPERATIVE.

(C) RESPONSIBILITY OF LICENSE HOLDER.

IF A LOCAL LICENSING BOARD ISSUES A LICENSE TO A MINOR, THE MINOR:

(1) IS RESPONSIBLE FOR EACH CONTRACT MADE IN CONDUCTING BUSINESS UNDER THE LICENSE; AND

(2) MAY BE SUED UNDER EACH CONTRACT IN A STATE COURT.

(D) RESPONSIBILITY OF PARENT OF LICENSE HOLDER.

THE RESPONSIBILITY OF THE MINOR DOES NOT AFFECT THE RESPONSIBILITY OF THE PARENT OF THE MINOR UNDER STATE AND LOCAL LAW.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–106.

In subsection (a) of this section, the defined term “local licensing board” is substituted for the former reference to a “license issuing authority” because only local licensing boards may issue licenses under this subtitle.

Also in subsection (a) of this section, the reference to a special order “granted by” a judge is added for clarity.

In subsection (b) of this section, the reference to a special order “for the local licensing board” to issue a license is added for clarity.

Also in subsection (b) of this section, the reference authorizing a judge to “grant” a special order is substituted for the former reference authorizing a judge to “pass” a special order for clarity.

In the introductory language of subsection (c) of this section, the reference to “a local licensing board” issuing a license is added for clarity.

In subsection (d) of this section, the reference to “State and local law” is substituted for the former reference to “existing law” for clarity.

Also in subsection (d) of this section, the former reference to “impair[ing]” responsibility is deleted as included in the reference to “affect[ing]” responsibility.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

4–208. NOTICE OF LICENSE APPLICATION REQUIRED.

(A) PUBLICATION.

BEFORE A LOCAL LICENSING BOARD MAY APPROVE AN APPLICATION FOR A LICENSE, THE LOCAL LICENSING BOARD SHALL PUBLISH NOTICE OF THE APPLICATION TWO TIMES IN 2 SUCCESSIVE WEEKS:

(1) IN TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE JURISDICTION; OR

(2) IF ONLY ONE NEWSPAPER OF GENERAL CIRCULATION EXISTS IN THE JURISDICTION, IN THAT NEWSPAPER.

(B) CONTENTS.

THE NOTICE SHALL STATE:

(1) THE NAME OF THE APPLICANT;

(2) THE TYPE OF LICENSE FOR WHICH THE APPLICATION IS MADE;

(3) THE LOCATION DESCRIBED IN THE APPLICATION; AND

(4) THE DATE, TIME, AND PLACE SET BY THE LOCAL LICENSING BOARD FOR A HEARING ON THE APPLICATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(a)(1)(iii) and (i)2.

In the introductory language of subsection (a) of this section, the requirement that a local licensing board “publish” a notice of a license application is substituted for the former requirement that a local licensing board “shall cause a notice of the application to be published” for brevity.

In subsection (a)(1) and (2) of this section, the references to the “jurisdiction” are substituted for the former references to “county” for accuracy.

In subsection (a)(1) of this section, the former reference to a county “where two newspapers are published” is deleted as unnecessary.

In the introductory language of subsection (b) of this section, the requirement that the notice “state” certain information is substituted for the former requirement that the notice “specify” certain information for clarity.

In subsection (b)(3) of this section, the reference to the location “described in the application” is substituted for the former reference to the location “of the place of business proposed to be licensed” for consistency with terminology used throughout this article.

In subsection (b)(4) of this section, the reference to the “date” set for a hearing is added for clarity.

Defined terms: “Jurisdiction” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

4–209. HEARING.

(A) TIME.

THE HEARING ON THE APPLICATION MAY NOT OCCUR LESS THAN 7 DAYS OR MORE THAN 30 DAYS AFTER THE DATE OF THE LAST PUBLICATION OF THE NOTICE OF THE LICENSE APPLICATION.

(B) PROCEEDINGS.

ANY PERSON MAY ADDRESS ANY RELEVANT ISSUE AT THE HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(a)(1)(iv) and (v).

In subsection (a) of this section, the reference to a hearing “on the application” is added for clarity. Similarly, in subsection (a) of this section, the reference to the publication “of the notice of the license application” is added.

In subsection (b) of this section, the reference to a person “address[ing] any relevant issue” at a hearing is substituted for the former reference to a person “be[ing] heard on either side of the question” for clarity and brevity.

Also in subsection (b) of this section, the former phrase “[a]t the time fixed by the notice for a hearing on the application or on any postponement of the time” is deleted as surplusage.

Defined terms: “License” § 1–101

“Person” § 1–101

4–210. APPROVAL OR DENIAL OF LICENSE APPLICATION.

(A) FACTORS IN DECIDING WHETHER TO APPROVE LICENSE APPLICATION.

BEFORE DECIDING WHETHER TO APPROVE AN APPLICATION AND ISSUE A LICENSE, A LOCAL LICENSING BOARD SHALL CONSIDER:

- (1) THE PUBLIC NEED AND DESIRE FOR THE LICENSE;**
- (2) THE NUMBER AND LOCATION OF EXISTING LICENSE HOLDERS;**
- (3) THE POTENTIAL EFFECT ON EXISTING LICENSE HOLDERS OF THE LICENSE FOR WHICH APPLICATION IS MADE;**
- (4) THE POTENTIAL COMMONALITY OR UNIQUENESS OF THE SERVICES AND PRODUCTS TO BE OFFERED BY THE BUSINESS OF THE APPLICANT;**
- (5) THE IMPACT OF THE LICENSE FOR WHICH APPLICATION IS MADE ON THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY, INCLUDING ISSUES RELATING TO CRIME, TRAFFIC, PARKING, OR CONVENIENCE; AND**
- (6) ANY OTHER FACTOR THAT THE LOCAL LICENSING BOARD CONSIDERS NECESSARY.**

(B) GROUNDS FOR DENIAL OF LICENSE APPLICATION.

THE LOCAL LICENSING BOARD SHALL DENY A LICENSE APPLICATION:

- (1) IF THE LOCAL LICENSING BOARD DETERMINES THAT:**

(I) THE GRANTING OF THE LICENSE IS NOT NECESSARY TO ACCOMMODATE THE PUBLIC;

(II) THE APPLICANT IS NOT A FIT PERSON TO RECEIVE THE LICENSE;

(III) THE APPLICANT HAS MADE A MATERIAL FALSE STATEMENT IN THE APPLICATION;

(IV) THE APPLICANT HAS ACTED FRAUDULENTLY IN CONNECTION WITH THE APPLICATION; OR

(V) IF THE LICENSE IS ISSUED, THE OPERATION AUTHORIZED BY THE LICENSE WOULD UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD OF THE LOCATION DESCRIBED IN THE APPLICATION; OR

(2) FOR OTHER REASONS THAT THE LOCAL LICENSING BOARD CONSIDERS SUFFICIENT.

(C) APPROVAL OF LICENSE APPLICATION.

SUBJECT TO SUBSECTION (A) OF THIS SECTION, IF A LOCAL LICENSING BOARD DOES NOT FIND GROUNDS LISTED UNDER SUBSECTION (B) OF THIS SECTION TO DENY A LICENSE APPLICATION, THE APPLICATION SHALL BE APPROVED AND THE LOCAL LICENSING BOARD SHALL ISSUE THE LICENSE FOR WHICH APPLICATION IS MADE ON PAYMENT OF THE FEE REQUIRED TO THE LOCAL COLLECTING AGENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(a)(2).

In subsection (a)(5) of this section, the former reference to traffic “conditions” is deleted as surplusage.

Also in subsection (a)(5) of this section, the former reference to the “general” health of the community is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to “[t]he local licensing board ... deny[ing] a license application” is substituted for the former reference to “[t]he application [being] disapproved and the license for which application is made [being] refused” for brevity and clarity.

In subsection (b)(1)(ii) of this section, the former reference to the license “for which application is made” is deleted as surplusage.

In subsection (b)(1)(iv) of this section, the reference to “act[ing] fraudulently” is substituted for the former reference to “practic[ing] fraud” for consistency with the terminology used throughout this article.

In subsection (b)(1)(v) of this section, the reference to the neighborhood “of the location described in the application” is substituted for the former reference to the neighborhood “in which the place of business is to be located” for consistency with terminology used throughout this article.

In subsection (b)(2) of this section, the reference to a reason “that the local licensing board considers sufficient” is substituted for the former reference to a reason “in the discretion of the board, why the license should not be issued” for brevity.

In subsection (c) of this section, the reference to “grounds listed under subsection (b) of this section” is substituted for the former reference to “no such findings” for clarity.

Also in subsection (c) of this section, the defined term “local licensing board” is substituted for the former broader term “license issuing authority” because only local licensing boards may issue licenses under this subtitle.

Also in subsection (c) of this section, the phrase “[s]ubject to subsection (a) of this section” is substituted for the former phrase “[e]xcept as otherwise provided in this section” for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local collecting agent” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

4–211. LICENSE FORMS; EFFECTIVE DATE; EXPIRATION.

(A) FORMS TO BE PROVIDED BY LOCAL LICENSING BOARD.

A LICENSE ISSUED BY A LOCAL LICENSING BOARD SHALL BE ON THE FORM THAT THE LOCAL LICENSING BOARD PROVIDES.

(B) NUMBERING.

A LOCAL LICENSING BOARD SHALL NUMBER EACH LICENSE.

(C) EFFECTIVE DATE; EXPIRATION.

EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A LICENSE ISSUED BY A LOCAL LICENSING BOARD SHALL BE DATED AS OF THE DATE OF ISSUE AND SHALL EXPIRE ON THE NEXT APRIL 30 AFTER ITS ISSUANCE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–102(d) and, as it related to licenses issued by local licensing boards, 10–206(a).

In subsection (a) of this section, the reference to a license issued “by a local licensing board” is substituted for the former broader phrase “under the provisions of this article” because the provisions of this title apply only to licenses issued by local licensing boards.

Also in subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (b) of this section, the reference to a “local licensing board” is substituted for the former reference to the “official issuing the same [license]” for clarity and brevity.

Also in subsection (b) of this section, the former reference to “appropriately” number is deleted as surplusage.

In subsection (c) of this section, the reference to a license issued “by a local licensing board” is substituted for the former reference to a license issued “under the provisions of this article” because this title applies only to licenses issued by local licensing boards.

Also in subsection (c) of this section, the former phrase “except temporary licenses and special licenses, which shall expire as otherwise provided” is deleted as included in the introductory phrase “[e]xcept as otherwise provided in this article”.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

4–212. LICENSE NOT PROPERTY.

A LICENSE ISSUED BY A LOCAL LICENSING BOARD:

- AND**
- (1) IS NOT PROPERTY AND DOES NOT CONFER PROPERTY RIGHTS;**
 - (2) IS SUBJECT TO:**

**(I) SUSPENSION, REVOCATION, AND RESTRICTIONS
AUTHORIZED BY LAW; AND**

(II) REGULATIONS AUTHORIZED UNDER THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(a).

In the introductory language of this section, the reference to a license issued “by a local licensing board” is substituted for the former reference to a license issued “under provisions of this article” because this title applies only to licenses issued by local licensing boards.

Also in the introductory language of this section, the former phrase “[e]xcept as otherwise provided under this section” is deleted as unnecessary in light of the organization of this revised article.

In item (2)(i) of this section, the reference to suspension, revocation, and restrictions “authorized by law” is added for clarity.

In item (2)(ii) of this section, the reference to regulations “authorized under this article” is substituted for the former reference to regulations “that may be adopted as herein provided” for clarity.

Also in item (2)(ii) of this section, the reference to “rules” is deleted as included in the reference to “regulations”.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

4–213. REPLACEMENT LICENSES.

(A) ISSUANCE.

A LOCAL LICENSING BOARD MAY ISSUE A REPLACEMENT LICENSE TO A LICENSE HOLDER WHOSE LICENSE IS LOST OR DESTROYED ON RECEIVING:

(1) AN APPLICATION UNDER OATH; AND

(2) PAYMENT OF A \$1 FEE.

(B) CONTENTS.

ON THE REPLACEMENT LICENSE, THE WORD “REPLACEMENT” SHALL APPEAR WITH ALL OF THE INFORMATION THAT APPEARED ON THE ORIGINAL LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–502(a).

Throughout this section, the references to a “replacement” license are substituted for the former references to “another” license and a “duplicate” license for clarity.

In subsection (a) of this section, the reference to “a local licensing board” is substituted for the former reference to the “license issuing authority” because only the local licensing board may issue a license under this subtitle.

Also in subsection (a) of this section, the former phrase “[e]xcept as otherwise provided in this section,” is deleted as unnecessary in light of the organization of this article.

In subsection (b) of this section, the reference to the word “appear[ing]” on the replacement license is substituted for the former reference to “be[ing] endorsed” for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

4–214. WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:

(1) IF A LICENSE IS DENIED, ANOTHER LICENSE APPLICATION MAY NOT BE CONSIDERED FROM THE SAME APPLICANT OR FOR THE SAME LOCATION FOR 6 MONTHS AFTER THE DENIAL; AND

(2) IF A SUBSEQUENT APPLICATION BY THE SAME APPLICANT OR FOR THE SAME LOCATION IS DENIED WITHIN A 2–YEAR PERIOD IMMEDIATELY AFTER THE FIRST DENIAL, ANOTHER APPLICATION MAY NOT BE CONSIDERED FROM THAT APPLICANT OR FOR THAT LOCATION UNTIL THE 2–YEAR PERIOD EXPIRES.

(B) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO:

(1) AN APPLICANT, IF THE LICENSE WAS DENIED BECAUSE IT WAS NOT NECESSARY TO ACCOMMODATE THE PUBLIC OR THE LOCATION WAS NOT SUITABLE FOR THE SALE OF ALCOHOLIC BEVERAGES; OR

(2) THE LOCATION, IF THE LICENSE WAS DENIED BECAUSE THE LOCAL LICENSING BOARD DETERMINED THAT THE APPLICANT WAS NOT A PROPER PERSON TO BE ISSUED THE LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–208(a)(1) and (2)(i) and the first sentence of (ii).

Throughout this section, the references to the “location” are substituted for the former references to the “premises” for consistency with terminology used throughout this article.

In subsection (a)(1) of this section, the former phrase “as the case may be” is deleted as surplusage.

Also in subsection (a)(1) of this section, the former phrase “a period of” 6 months is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to “the date of” the first refusal is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to this section “not apply[ing]” is substituted for the former reference to this section “not hold[ing] against” for clarity.

In subsection (b)(1) of this section, the former phrase “under the license applied for” is deleted as surplusage. Similarly, in subsection (b)(2) of this section, the former references to the license “applied for” are deleted.

In subsection (b)(2) of this section, the reference to the “local licensing board” is added for clarity.

Also in subsection (b)(2) of this section, the former reference to the premises “set forth in an application” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to the applicant “personally” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference in subsection (b)(2) of this section to a determination whether the applicant was not fit, *i.e.* having committed an immoral act, or the applicant did not meet technical requirements. The

General Assembly may want to clarify the requirements necessary for a determination that an applicant is “not a proper person”.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

SUBTITLE 3. TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE.

4–301. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(a)(5).

The reference to “this subtitle applies statewide” is substituted for the former reference to “[t]he provisions of this section apply in every county and in Baltimore City” for brevity.

4–302. TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER OR A RECEIVER OR TRUSTEE FOR THE BENEFIT OF CREDITORS, MAY:

(1) TRANSFER THE LICENSE HOLDER’S PLACE OF BUSINESS TO SOME OTHER LOCATION; OR

(2) TRANSFER THE LICENSE AND THE LICENSE HOLDER’S INVENTORY TO ANOTHER PERSON.

(B) CONDITIONS OF TRANSFER.

A TRANSFER UNDER SUBSECTION (A) OF THIS SECTION MAY BE MADE IF:

(1) AN APPLICATION FOR THE TRANSFER HAS BEEN MADE;

(2) ALL SALES AND USE, AMUSEMENT, ADMISSION, AND WITHHOLDING TAXES HAVE BEEN PAID TO THE COMPTROLLER;

(3) A BULK TRANSFER PERMIT HAS BEEN OBTAINED IF THE INVENTORY OF ALCOHOLIC BEVERAGES IS TO BE TRANSFERRED:

(I) IN ANY MANNER, INCLUDING BY SALE, GIFT, INHERITANCE, AND ASSIGNMENT; AND

(II) REGARDLESS OF WHETHER CONSIDERATION IS PAID; AND

(4) THE LOCAL LICENSING BOARD APPROVES THE NEW LOCATION OR LICENSE HOLDER IN THE SAME WAY THE LOCAL LICENSING BOARD APPROVES THE ISSUANCE OF A LICENSE.

(C) TRANSFER OF LOCATION AND OWNERSHIP IN SAME APPLICATION.

AN APPLICANT MAY APPLY FOR A TRANSFER OF LOCATION AND TRANSFER OF OWNERSHIP IN THE SAME APPLICATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(a)(2) and the second sentence of (3).

In the introductory language of subsection (a) of this section, the defined term “license holder” is substituted for the former reference to “[a]ny holder of a license under this article” for brevity.

In subsection (a)(2) of this section, the reference to “transfer[ring]” the license is substituted for the former reference to “sell[ing] or assign[ing]” the license for brevity and consistency with terminology and throughout this article. Similarly, in subsection (b)(1) of this section, the former reference to a “sale” is deleted as included in the reference to the “transfer”.

Also in subsection (a)(2) of this section, the reference to “inventory” is substituted for the former reference to “stock in trade” for clarity. Similarly, in subsection (b)(3) of this section, the reference to “inventory” is substituted for the former reference to “stock”.

In subsection (b)(4) of this section, the phrase “in the same way the local licensing board approves the issuance of a license” is substituted for the former phrase “as in the case of an original application for such a license under § 10–202 of this title” for clarity.

Also in subsection (b)(4) of this section, the reference to “license holder” is substituted for the former reference to “assignee” for consistency within this section.

In subsection (c) of this section, the phrase “[a]n applicant may apply for” a transfer is substituted for the former phrase “[t]his section permits the” transfer for clarity.

Also in subsection (c) of this section, the reference to a “transfer of ownership” is substituted for the former reference to an “assignment of license” for consistency.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

4–303. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.

A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE MAY NOT BE TRANSFERRED FOR USE IN CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE UNLESS:

(1) THE ESTABLISHMENT ALREADY HOLDS A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE; OR

(2) THE LICENSE IS TRANSFERRED TO A SIMILAR TYPE OF ESTABLISHMENT.

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 9–102(a–1) and, as it related to the transfer of a license for a chain store, supermarket, or discount house, the first sentence.

The former reference to “any business establishment of the type commonly known as” a chain store, supermarket, or discount house is deleted as unnecessary.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

4–304. COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED.

A LOCAL LICENSING BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNTIL THE TRANSFEROR HAS:

(1) COMPLIED WITH THE BULK TRANSFERS ACT UNDER TITLE 6 OF THE COMMERCIAL LAW ARTICLE; AND

(2) PROVIDED TO THE LOCAL LICENSING BOARD AN AFFIDAVIT THAT CERTIFIES COMPLIANCE WITH THE BULK TRANSFERS ACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(a)(4).

In the introductory language of this section, the former reference to an “alcoholic beverages” license is deleted in light of the defined term “license”.

Also in the introductory language of this section, the defined term “local licensing board” is substituted for the former reference to the “board” for clarity.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

4–305. FILING FEE AND ENDORSEMENT.

(A) PAYMENT TO LOCAL LICENSING BOARD.

AN APPLICANT SHALL PAY TO THE LOCAL LICENSING BOARD A FEE OF \$20, IN ADDITION TO THE COSTS OF PUBLICATION AND NOTICE, WHEN FILING AN APPLICATION FOR THE TRANSFER OF A LICENSE.

(B) ENDORSEMENT BY LOCAL LICENSING BOARD.

THE LOCAL LICENSING BOARD SHALL ENDORSE ON A LICENSE THE TRANSFER OF THE LICENSE IF THE APPLICANT HAS PAID THE FEE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10–503(a)(3).

In subsection (a) of this section, the reference to the “local licensing board” is substituted for the former reference to the “local collecting agent” for clarity.

In subsection (b) of this section, the reference to the “local licensing board” is substituted for the former reference to the “license issuing authority” because only local licensing boards may issue licenses under this subtitle.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

4–306. SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE.

(A) CONDITIONS FOR SUBSTITUTION.

FOR A LICENSE ISSUED BY A LOCAL LICENSING BOARD FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:

- (1) HAS DIED;**
- (2) HAS RETIRED; OR**
- (3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

(B) AFFIDAVIT REQUIRED.

THE LICENSE HOLDER SHALL FILE WITH THE LOCAL LICENSING BOARD AN AFFIDAVIT THAT CONTAINS:

- (1) THE SUBSTITUTION OF THE OFFICER;**
- (2) AN EXPLANATION FOR THE SUBSTITUTION; AND**
- (3) IN THE CASE OF A CORPORATION, A STATEMENT THAT THE OWNERSHIP OF THE CORPORATION HAS NOT CHANGED.**

(C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.

ON RECEIPT OF THE AFFIDAVIT AND AFTER DETERMINING THAT THE APPLICANT QUALIFIES UNDER THIS ARTICLE, THE LOCAL LICENSING BOARD SHALL:

- (1) AMEND ITS RECORDS; AND**
- (2) ISSUE A CORRECTED LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(2)(ii), (iii), and, as it related to licenses issued by a local licensing board, (i).

In the introductory language of subsection (a) of this section, the reference to “a local licensing board” is substituted for the former reference to “each county and Baltimore City” for brevity and clarity.

Also in the introductory language of subsection (a) of this section, the reference to “the license holder” is substituted for the former reference to “a corporation or club holding an alcoholic beverages license” for brevity. Similarly, in the introductory language of subsection (b) of this section, the reference to “license holder” is substituted for the former reference to the “corporation or club”.

Also in the introductory language of subsection (a) of this section, the reference to “any officer who” is substituted for the former reference to “the deleted officer” for clarity.

Also in the introductory language of subsection (a) of this section, the former phrase “notwithstanding any other provision of this article to the contrary” is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former phrase “, during the license year,” is deleted as surplusage.

In subsection (a) of this section, the reference to an officer who “[h]as been removed from office” is deleted as included in the reference to an officer who “no longer holds an office in the corporation or club”.

In the introductory language of subsections (b) and (c) of this section, the references to the “local licensing board” are substituted for the former references to “license issuing authority” for clarity.

In subsection (b)(1) of this section, the former reference to “officers” is deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former reference to a “new license in corrected form” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference to a “corporation or club” may be too narrow because a license may be held for the use of other types of business entities, such as limited liability companies. The General Assembly may want to consider using a term that encompasses all of the types of business entities for the use of which a license may be held.

Defined terms: “Club” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

Former Art. 2B, § 10–503(a)(1), which defined “board” to mean the board of license commissioners or liquor control board of a county or Baltimore City, is deleted as unnecessary in light of the defined term “local licensing board”.

SUBTITLE 4. RENEWAL OF LOCAL LICENSES.

4–401. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR’S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

4–402. ELIGIBILITY FOR RENEWAL; PROCESS.

(A) ELIGIBILITY.

SUBJECT TO §§ 4–406 AND 4–407 OF THIS SUBTITLE, A HOLDER OF AN EXPIRING LICENSE IS ENTITLED TO AN ANNUAL LICENSE RENEWAL:

(1) ON THE APPROVAL OF THE LICENSE RENEWAL APPLICATION BY THE LOCAL LICENSING BOARD;

(2) ON PAYMENT OF THE ANNUAL LICENSE FEE; AND

(3) WITHOUT FILING OR PROVIDING MORE INFORMATION UNLESS SPECIFICALLY REQUESTED BY THE LOCAL LICENSING BOARD.

(B) PROCESS.

EXCEPT AS PROVIDED IN §§ 4–407(A) AND 4–408(C) OF THIS SUBTITLE, A LOCAL LICENSING BOARD SHALL CONSIDER AN APPLICATION FOR LICENSE RENEWAL IN THE SAME MANNER AS FOR AN ORIGINAL APPLICATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(ii)4 and the third sentence of (b).

In the introductory language of subsection (a) of this section, the phrase “[s]ubject to §§ 4–406 and 4–407 of this subtitle” is added for clarity.

Also in the introductory language of subsection (a) of this section, the reference to an “annual license renewal” is substituted for the former reference to a “new license for another year” for clarity and brevity.

In subsection (a)(1) of this section, the reference to the “approval of the license renewal application by the local licensing board” is substituted for the former misleading reference to the “filing of the renewal application” for clarity.

In subsection (a)(2) of this section, the reference to an annual “license” fee is added for clarity.

In subsection (a)(3) of this section, the reference to the “local licensing board” is substituted for the former reference to the “official authorized to approve the license” for clarity and brevity.

In subsection (b) of this section, the reference to “license” renewal is added for clarity.

Also in subsection (b) of this section, the requirement that the local licensing board “consider an application ... in the same manner” as for an original application is substituted for the former requirement that an application “be treated” as an original application for clarity and consistency within this subtitle.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in §§ 4–407(a) and 4–408(c) of this subtitle” is substituted for the former reference to a renewal application “received otherwise than as herein stated” for clarity.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

4–403. RENEWAL APPLICATION.

TO RENEW A LICENSE OTHER THAN A TEMPORARY LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE A WRITTEN APPLICATION, UNDER OATH, WITH THE LOCAL LICENSING BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(i), except as it related to the filing period for a renewal application.

The word “annually” is substituted for the former reference to “each and every year” for brevity.

The reference to “the license holder” is substituted for the former reference to “the holder of any expiring license” for brevity.

The reference to an application “under” oath is substituted for the former reference to an application “duly verified by” oath for clarity and brevity.

The reference to the “local licensing board” is substituted for the former reference to the “official authorized to approve the [license]” for clarity and brevity.

The former phrase “[e]xcept in Prince George’s County” is deleted as unnecessary. The exception applying to Prince George’s County is revised in Title 26, Subtitle 18 of this article.

The former reference to special licenses “issued under the provisions of this article” is deleted as unnecessary.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

4–404. FILING PERIOD FOR RENEWAL APPLICATION.

AN APPLICATION TO RENEW AN ANNUAL LICENSE SHALL BE FILED BETWEEN MARCH 2 AND APRIL 1, INCLUSIVE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(i), as it related to the filing period for a renewal application.

The reference to a license renewal period being “between March 2 and April 1, inclusive” is substituted for the former reference to a license renewal period of “not less than 30 nor more than 60 days before the first day of May” for clarity and brevity.

The reference to an “annual” license is substituted for the former reference to “each and every year” for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference to the time period that is “not less than 30 nor more than 60 days before the first day of May” is the period “between March 2 and April 1, inclusive”. It is not clear whether the intent was to begin this period on March 1 instead of March 2.

Defined term: “License” § 1–101

4–405. CONTENTS OF RENEWAL APPLICATION.

(A) REQUIRED.

TO BE APPROVED, A LICENSE RENEWAL APPLICATION SHALL:

(1) STATE WHETHER THE FACTS IN THE ORIGINAL APPLICATION HAVE CHANGED AND, IF SO, THE MANNER IN WHICH THE FACTS HAVE CHANGED; AND

(2) BE ACCOMPANIED BY A STATEMENT SIGNED BY THE OWNER OF THE LICENSED PREMISES CONSENTING TO:

(I) RENEWAL OF THE LICENSE; AND

(II) SEARCH AND SEIZURE IN THE SAME MANNER AS FOR AN ORIGINAL APPLICATION.

(B) CONSENT STATEMENT; EXCEPTION.

A LOCAL LICENSING BOARD MAY NOT REQUIRE THE CONSENT STATEMENT UNDER SUBSECTION (A)(2) OF THIS SECTION FOR A RETAIL DEALER APPLYING FOR RENEWAL IF:

(1) THE OWNER SIGNED A COMPARABLE CONSENT STATEMENT IN CONNECTION WITH AN ORIGINAL OR PREVIOUS LICENSE RENEWAL APPLICATION;

(2) THE CONSENT STATEMENT UNDER ITEM (1) OF THIS SUBSECTION IS IN EFFECT FOR THE TERM OF THE OWNER'S LEASE WITH THE APPLICANT; AND

(3) THE LEASE DOES NOT EXPIRE DURING THE TERM OF THE LICENSE RENEWAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(1)(ii)1, 2, and 3.

Throughout this section, the references to a "license" renewal application are added for clarity.

In the introductory language of subsection (a) of this section, the phrase "[t]o be approved" is added for clarity.

In the introductory language of subsection (a)(2) of this section, the reference to the owner of the "licensed" premises is added for clarity.

In subsection (a)(2)(ii) of this section, the reference to search and seizure "in the same manner as for" an original application is substituted for the former

reference to search and seizure “as in the case of” an original application for clarity.

In the introductory language of subsection (b) of this section, the reference to a consent statement “under subsection (a)(2) of this section” is substituted for the former reference to a consent statement “by the owner of the premises” for clarity.

Also in the introductory language of subsection (b) of this section, the reference to a “local licensing board” is added to state expressly what was only implicit in the former law, that the local licensing board is the entity that may not require a consent statement under the circumstances stated in this subsection.

In subsection (b)(1) of this section, the reference to “a comparable consent” statement is substituted for the former reference to “such a” statement for clarity.

Also in subsection (b)(1) of this section, the former reference to a “previously” signed consent statement is deleted as unnecessary.

In subsection (b)(2) of this section, the requirement that a previous consent statement be “in effect” for the term of the owner’s lease with the applicant is substituted for the former requirement that the previous consent statement “giv[e] consent” for the term of the lease for clarity.

In subsection (b)(3) of this section, the former reference to a lease “renewal” is deleted as included in the reference to the “lease”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(1) of this section, the reference to the requirement that a license renewal application “state whether the facts in the original application have changed and, if so, the manner in which the facts have changed” has been substituted for the former reference to the requirement that a license renewal application “state that the facts in the original application are unchanged”. The Committee believes this substitution reflects the intent of the General Assembly.

The Alcoholic Beverages Article Review Committee also notes, for consideration by the General Assembly, that in the introductory language of subsection (b) of this section, the reference to a “retail dealer” may be too restrictive. There may be other types of license holders to which this subsection should apply.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

“Retail dealer” § 1–101

4-406. PROTESTS.**(A) AUTHORIZED.****A PROTEST AGAINST A LICENSE RENEWAL MAY BE MADE BY:****(1) AT LEAST 10 SIGNATORIES WHO ARE:**

(I) RESIDENTS, COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF OR APPLICANTS FOR A LICENSE, OR REAL ESTATE OWNERS; AND

(II) LOCATED IN THE IMMEDIATE VICINITY OF THE LICENSED PREMISES; OR

(2) THE LOCAL LICENSING BOARD ON ITS OWN INITIATIVE.**(B) HEARING REQUIRED.**

(1) IF A PROTEST AGAINST RENEWING A LICENSE IS FILED AT LEAST 30 DAYS BEFORE THE LICENSE EXPIRES, THE LOCAL LICENSING BOARD MAY NOT APPROVE THE RENEWAL WITHOUT HOLDING A HEARING.

(2) THE LOCAL LICENSING BOARD SHALL HEAR AND DETERMINE THE PROTEST IN THE SAME MANNER AS IT HEARS AND DETERMINES AN ORIGINAL APPLICATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(1)(iv), (iii)1, as it related to the statewide governance of protests of license renewals, and the first clause of (v).

In subsection (a) of this section, the reference to a protest being "made by at least 10 signatories who are residents" is substituted for the former reference to a protest being "[s]igned by not less than ten residents" for clarity.

In subsection (a)(1)(i) of this section, the former reference to a license "issued under this article" is deleted as included in the defined term "license".

In subsection (a)(1)(ii) of this section, the reference to the licensed "premises" is substituted for the former reference to a licensed "place of business" for clarity and consistency within this article.

In subsection (b)(1) of this section, the reference to “renewing a license” is substituted for the former reference to the “granting of the new license” for brevity.

Also in subsection (b)(1) of this section, the reference to “the renewal” is substituted for the former reference to a “license by way of renewal” for brevity.

Also in subsection (b)(1) of this section, the former reference to the license “for which renewal is sought” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to license renewal “in the same manner as [the local licensing board] hears and determines” an original application is substituted for the former reference to license renewal “as in the case of” an original application for clarity and consistency within this subtitle.

Also in subsection (b)(2) of this section, the former reference to a protest “[that] has been filed” is deleted as surplusage.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

4–407. DENIAL OF RENEWAL APPLICATION.

(A) DISQUALIFICATION.

A LOCAL LICENSING BOARD:

(1) MAY NOT RENEW A LICENSE IF THE BOARD DETERMINES THAT THE LICENSE HOLDER IS NOT QUALIFIED TO OBTAIN A LICENSE RENEWAL; BUT

(2) SHALL ISSUE TO THE LICENSE HOLDER BY WAY OF RENEWAL THE CLASS OR TYPE OF LICENSE FOR WHICH THE BOARD DETERMINES THE LICENSE HOLDER IS QUALIFIED.

(B) CONVICTION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LOCAL LICENSING BOARD SHALL DENY A LICENSE RENEWAL APPLICATION IF DURING THE LICENSE YEAR THE LICENSE HOLDER WAS CONVICTED OF A STATE OR FEDERAL OFFENSE THAT, IN THE JUDGMENT OF THE BOARD, RENDERS THE LICENSE HOLDER UNFIT OR UNQUALIFIED TO OBTAIN A RENEWED LICENSE.

(2) A LOCAL LICENSING BOARD:

(I) SHALL HOLD A PUBLIC HEARING BEFORE RENEWING A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) MAY INQUIRE INTO ALL RELEVANT FACTS AND CIRCUMSTANCES CONCERNING THE OFFENSE AT THE HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(c) and the first sentence of (b).

Throughout this section, the references to a local licensing “board” are substituted for the former references to the local licensing “official[s]” for clarity and consistency within this article.

In subsection (a)(1) of this section, the former reference to qualifications to obtain renewal of an “expiring” license is deleted as unnecessary.

In subsection (b)(1) of this section, the requirement that “a local licensing board shall deny” a license renewal is substituted for the former reference stating that “no [license renewal] shall be granted” for clarity and brevity.

Also in subsection (b)(1) of this section, the references to a “license holder” are substituted for the former references to a “person” for clarity and consistency within this article.

Also in subsection (b)(1) of this section, the reference to a “State or federal offense” is substituted for the former reference to an “offense against the laws of the State or of the United States” for brevity.

Also in subsection (b)(1) of this section, the former reference to an offense that is “of such a nature as to” render the offender unfit for license renewal is deleted as unnecessary.

In subsection (b)(2)(i) of this section, the reference to license renewal “under the circumstances described in paragraph (1) of this subsection” is substituted for the former reference to license renewal “in such a case” for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

4–408. ISSUANCE OF RENEWED LICENSES.

(A) ISSUANCE.

A LOCAL LICENSING BOARD MAY ISSUE RENEWED LICENSES FOR THE FOLLOWING LICENSE YEAR BETWEEN APRIL 15 AND MAY 1, INCLUSIVE.

(B) EFFECTIVE DATE.

ALL RENEWED LICENSES SHALL BE DATED MAY 1.

(C) LICENSE SUBJECT TO RESTRICTION OR SUSPENSION.

IF AN EXPIRING LICENSE IS SUBJECT TO AN ORDER OF RESTRICTION OR SUSPENSION, THE LOCAL LICENSING BOARD SHALL ISSUE THE CORRESPONDING LICENSE RENEWAL SUBJECT TO THE SAME ORDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(d)(1) and the second sentence of (b).

In subsection (a) of this section, the reference to between April 15 and May 1 “, inclusive” is added for clarity.

Also in subsection (a) of this section, the reference to a “local licensing board” is substituted for the former reference to a “license issuing authority” for clarity.

Also in subsection (a) of this section, the reference to “renewed” licenses is substituted for the former reference to “such new” licenses for clarity.

Also in subsection (a) of this section, the reference to the “following license” year is substituted for the former reference to the “ensuing” year for clarity.

Also in subsection (a) of this section, the former reference to the issuance of renewed licenses between April 15 and May 1 “of each and every year” is deleted as unnecessary.

Also in subsection (a) of this section, the former reference to license renewal “as hereinabove provided” is deleted as unnecessary.

Also in subsection (a) of this section, the former reference to license renewal “at any time” between specific dates is deleted as unnecessary.

In subsection (c) of this section, the reference to the “corresponding license renewal” is substituted for the former reference to the “new license” for clarity.

Also in subsection (c) of this section, the reference to license renewal subject to “the same” order is substituted for the former reference to license renewal subject to “said” order for clarity.

Defined terms: “License” § 1–101
“Local licensing board” § 1–101

4–409. MULTIPLE LICENSES.

A PERSON WHO HOLDS MULTIPLE LICENSES MAY RENEW THE LICENSES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(a)(1) and the introductory language of § 9–107(a), as they related to the renewal of licenses.

Defined terms: “License” § 1–101
“Person” § 1–101

4–410. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.

NOTWITHSTANDING § 4–205 OF THIS TITLE, A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE THAT HOLDS A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE MAY RENEW THE LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 9–102(a–1), as it related to the renewal of a license for a chain store, supermarket, or discount house.

The phrase “[n]otwithstanding § 4–205 of this title,” is added to clarify that this section is an exception to § 4–205.

The former reference to the issuance of a license on the premises of “any business establishment of the type commonly known as” a chain store, supermarket, or discount house is deleted as unnecessary.

Defined terms: “Beer” § 1–101
“Wine” § 1–101

SUBTITLE 5. CONDUCT OF LOCAL LICENSE HOLDERS.

4–501. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR’S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

4-502. STORAGE OF ALCOHOLIC BEVERAGES.**(A) APPLICATION OF SECTION.**

THIS SECTION DOES NOT APPLY TO A PERSON THAT:

(1) HOLDS A FESTIVAL LICENSE ISSUED BY A LOCAL LICENSING BOARD; AND

(2) HAS ENTERED INTO AN AGREEMENT AUTHORIZED UNDER SUBTITLE 13 OF THE VARIOUS TITLES IN DIVISION II OF THIS ARTICLE THAT PROVIDES FOR THE DELIVERY OF BEER AND WINE BEFORE THE EFFECTIVE DATE OF THE LICENSE AND ACCEPTANCE OF RETURNS AFTER THE EXPIRATION DATE OF THE LICENSE.

(B) AUTHORIZED LOCATIONS.

A LICENSE HOLDER MAY STORE OR KEEP ALCOHOLIC BEVERAGES ONLY:

(1) ON THE PREMISES COVERED BY THE LICENSE; OR

(2) AT A PUBLIC WAREHOUSE, GOVERNMENT-CONTROLLED WAREHOUSE, OR INDIVIDUAL WAREHOUSE FOR WHICH A PERMIT HAS BEEN ISSUED UNDER THIS ARTICLE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the applicability of this section.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 12-105.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"License" § 1-101

"License holder" § 1-101

"Local licensing board" § 1-101

"Person" § 1-101

"Wine" § 1-101

4-503. SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES.**(A) IN GENERAL.**

A RETAIL DEALER MAY NOT EMPLOY A SOLICITOR OR SALESPERSON OUTSIDE OF THE LICENSED PLACE OF BUSINESS TO SOLICIT ORDERS FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE STATE.

(B) SALE OUTSIDE OF LICENSED PREMISES PROHIBITED.

THE SALE OF ALCOHOLIC BEVERAGES MAY NOT OCCUR OUTSIDE OF THE LICENSED PREMISES.

(C) ORDERS BY MAIL, TELEPHONE, OR MESSENGER ALLOWED.

THIS SECTION DOES NOT PROHIBIT:

- (1) RECEIVING ORDERS BY MAIL, TELEPHONE, OR MESSENGER;**
- (2) THE FILLING OF ORDERS BY DELIVERY; OR**
- (3) THE PAYMENT FOR ORDERS AT THE PLACE OF DELIVERY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-301(a).

In subsection (a) of this section, the reference to a "salesperson" is substituted for the former reference to a "salesman" to conform to the terminology used throughout this article.

In subsection (b) of this section, the reference to a licensed "premises" is substituted for the former reference to a licensed "place of business" to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the reference to "occur" is substituted for the former reference to "be consummated" for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Retail dealer" § 1-101

"State" § 1-101

4-504. EMPLOYMENT OF UNDERAGE INDIVIDUALS.

(A) EMPLOYMENT OF INDIVIDUAL UNDER AGE OF 18 YEARS.

AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT BE ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES.

(B) EMPLOYMENT OF INDIVIDUAL BETWEEN AGES OF 18 AND 21 YEARS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL BETWEEN THE AGES OF 18 AND 21 YEARS MAY BE EMPLOYED IN THE SALE OF BEER AND LIGHT WINE.

(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE EMPLOYED BY A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE IN THE SALE OF ALCOHOLIC BEVERAGES.

(C) EMPLOYMENT OF INDIVIDUAL AT LEAST 18 YEARS OLD.

AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY BE EMPLOYED BY A HOLDER OF A CLASS A LICENSE TO OPERATE A LOTTERY TICKET TERMINAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–302(a).

Throughout this section, the references to an “individual” are substituted for the former, broader references to a “person” for accuracy, as all of the references are to human beings.

In subsection (a) of this section, the former phrase “[u]nless provision is made elsewhere, the following provisions apply statewide” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a) of this section, the former reference to “licensed establishments” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Wine” § 1–101

4–505. ALCOHOL AWARENESS PROGRAM.

(A) “ALCOHOL AWARENESS PROGRAM” DEFINED.

IN THIS SECTION, “ALCOHOL AWARENESS PROGRAM” MEANS A PROGRAM THAT:

(1) INCLUDES INSTRUCTION ON HOW ALCOHOL AFFECTS AN INDIVIDUAL’S BEHAVIOR AND BODY;

(2) PROVIDES EDUCATION ON THE DANGERS OF DRINKING AND DRIVING; AND

(3) DEFINES EFFECTIVE METHODS TO:

(I) DETERMINE WHETHER A CUSTOMER IS UNDER THE LEGAL DRINKING AGE;

(II) SERVE CUSTOMERS TO MINIMIZE THE CHANCE OF INTOXICATION; AND

(III) STOP SERVICE BEFORE A CUSTOMER BECOMES INTOXICATED.

(B) SCOPE OF SECTION.

(1) THIS SECTION APPLIES TO:

(I) A LICENSED PREMISES THAT SELLS ALCOHOLIC BEVERAGES TO A CUSTOMER FROM A BAR OR SERVICE BAR ON THE PREMISES;

(II) A PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION; AND

(III) AN UNLICENSED ESTABLISHMENT IN A JURISDICTION THAT REQUIRES A WORKER, A SUPERVISOR, OR AN OWNER OF AN UNLICENSED ESTABLISHMENT TO RECEIVE ALCOHOL AWARENESS TRAINING.

(2) THIS SECTION DOES NOT APPLY TO:

(I) A TEMPORARY LICENSE;

(II) A CLASS E (ON-SALE) WATER VESSEL LICENSE;

(III) A CLASS F (ON-SALE) RAILROAD LICENSE; OR

(IV) A CLASS G (ON-SALE) AIRPLANE LICENSE.

(C) PROGRAM CERTIFICATION.

THE COMPTROLLER:

(1) SHALL APPROVE, CERTIFY, AND ISSUE AN ALCOHOL AWARENESS PROGRAM PERMIT TO EACH ALCOHOL AWARENESS PROGRAM THAT COMPLIES WITH THIS SECTION; AND

(2) MAY REQUIRE RECERTIFICATION OF THE APPROVED ALCOHOL AWARENESS PROGRAM TO ENSURE COMPLIANCE WITH CHANGES IN THE PROGRAM.

(D) ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.

BEFORE AN INDIVIDUAL MAY TEACH AN ALCOHOL AWARENESS PROGRAM, THE INDIVIDUAL SHALL OBTAIN AN ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.

(E) TRAINING REQUIRED.

A HOLDER OF ANY RETAIL ALCOHOLIC BEVERAGES LICENSE OR AN EMPLOYEE DESIGNATED BY THE HOLDER SHALL COMPLETE TRAINING IN AN APPROVED ALCOHOL AWARENESS PROGRAM.

(F) CERTIFICATE OF COMPLETION; NOTIFICATION OF LOCAL LICENSING BOARD.

(1) (I) FOR EACH COMPLETION OF A CERTIFIED ALCOHOL AWARENESS PROGRAM, THE ALCOHOL AWARENESS PROGRAM PROVIDER SHALL ISSUE A CERTIFICATE OF COMPLETION THAT IS VALID FOR 4 YEARS FROM THE DATE OF ISSUANCE.

(II) THE HOLDER OR EMPLOYEE SHALL COMPLETE RETRAINING IN AN APPROVED ALCOHOL AWARENESS PROGRAM FOR EACH SUCCESSIVE 4-YEAR PERIOD.

(III) ON REQUEST, A VALID CERTIFICATE SHALL BE PRESENTED TO THE PROPER AUTHORITY.

(2) WITHIN 5 DAYS AFTER A LICENSE HOLDER, AN OWNER OF AN UNLICENSED ESTABLISHMENT, OR AN EMPLOYEE OF A LICENSE HOLDER OR OWNER OF AN UNLICENSED ESTABLISHMENT IS SENT A CERTIFICATE OF COMPLETION, THE ALCOHOL AWARENESS PROGRAM PROVIDER SHALL INFORM THE APPROPRIATE LOCAL LICENSING BOARD OF:

(I) THE INDIVIDUAL'S NAME, ADDRESS, AND CERTIFICATION DATE; AND

(II) THE NAME AND ADDRESS OF THE LICENSED ESTABLISHMENT OR UNLICENSED ESTABLISHMENT.

(G) DECERTIFICATION.

THE COMPTROLLER MAY DECERTIFY THE ALCOHOL AWARENESS PROGRAM OF AN ALCOHOL AWARENESS PROGRAM PROVIDER WHO VIOLATES SUBSECTION (C), (D), OR (F) OF THIS SECTION.

(H) ENFORCEMENT AND PENALTIES.

(1) EACH LOCAL LICENSING BOARD SHALL ENFORCE THIS SECTION.

(2) A LICENSE HOLDER WHO VIOLATES SUBSECTION (E) OF THIS SECTION IS SUBJECT TO:

(I) FOR THE FIRST OFFENSE, A \$100 FINE; AND

(II) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT TO EXCEED \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.

(I) EFFECT OF SECTION.

(1) THIS SECTION DOES NOT CREATE OR ENLARGE A CIVIL CAUSE OF ACTION OR CRIMINAL PROCEEDING AGAINST A LICENSE HOLDER.

(2) EVIDENCE OF A VIOLATION OF THIS SECTION:

(I) MAY ONLY BE USED AS EVIDENCE BEFORE THE LOCAL LICENSING BOARD IN AN ACTION BROUGHT BEFORE THE LOCAL LICENSING BOARD FOR A VIOLATION OF THIS SECTION; AND

(II) MAY NOT BE INTRODUCED IN A CIVIL OR CRIMINAL PROCEEDING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(a), (d) through (f), (b)(1)(i) and (ii) and (2), and (c)(1).

In subsection (a)(3)(iii) of this section, the reference to “stop” is substituted for the former reference to “ceasing” for clarity.

In subsection (b)(1)(i) of this section, the reference to a licensed premises that “sells” is substituted for the former reference to licensed premises that “are operated by selling” for brevity.

In subsection (b)(1)(iii) of this section, the reference to “an unlicensed establishment in a jurisdiction that requires a worker, a supervisor, or an owner of an unlicensed establishment to receive alcohol awareness training”

is added for clarity in light of the applicable establishments in certain jurisdictions. *See*, for example, § 12–2503 (Baltimore City) and § 23–2501 (Howard County).

In subsection (b)(2)(ii) of this section, the reference to “water vessel” is substituted for the former obsolete reference to “steamboat”. Similarly, in subsection (b)(2)(iv) of this section, the reference to “airplane” is substituted for the former obsolete reference to “aircraft”.

In subsection (d) of this section, the reference to “may” is substituted for the former reference to “who is authorized or employed to” for brevity.

In subsection (e) of this section, the former reference to “class of” retail alcoholic beverage license is deleted as surplusage.

In subsection (f)(1)(i) of this section, the phrase “the alcohol awareness program provider shall issue” is substituted for the former phrase “[a] certificate of completion shall be issued for each completion of” for clarity.

In subsection (f)(1)(iii) of this section, the former reference to “up-to-date” is deleted as included in the reference to “valid”.

In subsection (f)(2) of this section, the references to an “unlicensed establishment” are substituted for the former obsolete references to a “bottle club” for clarity.

In subsection (h)(1) of this section, the reference to each local licensing board “shall enforce” is substituted for the former reference to “is responsible for enforcing” for brevity.

Also in subsection (h)(1) of this section, the former phrase “including the penalty provision” is deleted as unnecessary.

Former Art. 2B, § 13–101(g), which stated that the Comptroller may issue regulations to set standards and requirements pertaining to course content, course duration, course format, and any other course related activities the Comptroller may require, is deleted as unnecessary in light of the requirement under § 1–302 of this article for the Comptroller to adopt regulations to discharge the duties of this article.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“On-sale” § 1–101

4-506. EVIDENCE OF PURCHASER'S AGE.**(A) LICENSE HOLDER MAY KEEP RECORD OF EVIDENCE OF AGE.**

A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY REQUIRE AN INDIVIDUAL TO SIGN A BOOK THAT THE LICENSE HOLDER KEEPS IF:

(1) THE INDIVIDUAL HAS SHOWN DOCUMENTARY EVIDENCE THAT SUBSTANTIATES THE INDIVIDUAL'S AGE TO ALLOW THE PURCHASE OF ALCOHOLIC BEVERAGES; AND

(2) THE AGE OF THE INDIVIDUAL REMAINS IN QUESTION.

(B) REQUIRED FORM.

(1) THE BOOK AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION SHALL CONTAIN COPIES OF THE FOLLOWING FORM:

DATE..... 20....

TO BE FILLED IN BY SELLER**IDENTIFICATION (CHECK ALL SHOWN)**

DRIVER'S LICENSE ☐ ARMY I.D. CARD..... ☐
 BIRTH CERTIFICATE..... ☐ COAST GUARD I.D. CARD..... ☐
 SERVICE DISCHARGE ☐ MARINE I.D. CARD..... ☐
 DRAFT CARD ☐ NAVY I.D. CARD ☐
 AIR FORCE I.D. CARD ☐
 OTHER (SPECIFY)

DESCRIPTION OF PURCHASER

HEIGHT..... WEIGHT.....
 COLOR OF EYES COLOR OF HAIR
 OUTSTANDING FEATURES.....

.....
SELLER'S SIGNATURE.....

TO BE FILLED IN BY PROSPECTIVE PURCHASER

I DECLARE I AM OF LEGAL AGE TO PURCHASE FERMENTED MALT BEVERAGES OR INTOXICATING LIQUOR, AND THAT I AM SUBJECT TO ARREST AND PROSECUTION FOR MISREPRESENTING MY AGE.

PRINT FULL NAME

STREET ADDRESS.....

CITY **STATE**.....

SIGNATURE.....

(2) THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER SHALL RECORD ALL INFORMATION REQUIRED BY EACH SECTION OF THE FORM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–109(1).

In the introductory language of subsection (a) of this section, the reference to the authority of a license holder or employee to “require an individual to sign a book” is substituted for the former reference to the authority of a license holder or employee to “cause a book to be kept” for clarity and brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement to record information in subsection (b)(2) of this section is vague. The General Assembly may wish to clarify this requirement.

Defined terms: “Alcoholic beverage” § 1–101
 “License holder” § 1–101

4–507. RETAIL DELIVERY OF ALCOHOLIC BEVERAGES.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

(1) THE DELIVERY OF WINE FROM A DIRECT WINE SHIPPER TO A CONSUMER USING A COMMON CARRIER IN ACCORDANCE WITH TITLE 2, SUBTITLE 1, PART V OF THIS ARTICLE; OR

(2) THE HOLDER OF A COMMON CARRIER PERMIT IN THE COURSE OF DELIVERING DIRECTLY SHIPPED WINE IN ACCORDANCE WITH TITLE 2, SUBTITLE 1, PART V OF THIS ARTICLE.

(B) PROHIBITED UNLESS AUTHORIZED BY LOCAL LICENSING BOARD.

RETAIL DELIVERY TO A PURCHASER OF ALCOHOLIC BEVERAGES IS PROHIBITED UNLESS:

(1) A RETAIL LICENSE HOLDER OBTAINS A LETTER OF AUTHORIZATION FROM THE LOCAL LICENSING BOARD TO MAKE DELIVERIES; AND

(2) THE DELIVERY IS MADE FROM THE LICENSED PREMISES BY THE RETAIL LICENSE HOLDER OR AN EMPLOYEE OF THE RETAIL LICENSE HOLDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-301(b) and (f).

In subsection (b)(1) of this section, the former requirement that a retail license holder "compl[y] with any regulations promulgated by the local licensing authority pertaining to those deliveries" is deleted as unnecessary because a retail license holder would be expected in any case to comply with regulations adopted by the local licensing board.

In subsection (b)(2) of this section, the former reference to an employee "authorized to sell and distribute alcoholic beverages by the local licensing authority in the jurisdiction where the delivery is made" is deleted as unnecessary in light of subsection (b)(1) of this section, which requires the retail license holder to obtain a letter of authorization from the local licensing board to make deliveries.

Defined terms: "Alcoholic beverage" § 1-101

"License holder" § 1-101

"Local licensing board" § 1-101

"Wine" § 1-101

4-508. DISPLAY OF LICENSE.

A LICENSE HOLDER SHALL FRAME THE LICENSE UNDER GLASS AND DISPLAY THE LICENSE CONSPICUOUSLY IN THE LICENSED PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-505, except as it related to Class F licenses.

The defined term “license holder” is substituted for the former reference to “[e]very person receiving a license under the provisions of this article” for brevity.

The reference to “the licensed premises” is substituted for the former reference to “his place of business” to conform to the terminology used throughout this article.

The former phrase “at all times” is deleted as surplusage.

The former phrase “easily read” is deleted as implicit in the word “conspicuously”.

Defined terms: “License” § 1–101
“License holder” § 1–101

SUBTITLE 6. REVOCATION AND SUSPENSION OF LOCAL LICENSES.

4–601. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR’S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

4–602. POWER OF LOCAL LICENSING BOARD.

A LOCAL LICENSING BOARD MAY REVOKE OR SUSPEND A LICENSE IN ACCORDANCE WITH THIS SUBTITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–403(a)(1), as it related to the general authority of local licensing boards to revoke or suspend a license.

The reference to the authority of a local licensing board to revoke or suspend a license “in accordance with this subtitle” is added for clarity.

The defined term “local licensing board” is substituted for the former reference to “the Board of License Commissioners for any county or Baltimore City” for brevity.

The former phrase “as the case may be” is deleted as surplusage.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

4–603. REVOCATION AND SUSPENSION PROCEDURES.

(A) BY COMPLAINT OR ON BOARD’S INITIATIVE.

REVOCATION OR SUSPENSION PROCEDURES MAY BE STARTED:

(1) BY A LOCAL LICENSING BOARD, AT THE LOCAL LICENSING BOARD’S INITIATIVE;

(2) ON THE COMPLAINT OF A PEACE OFFICER;

(3) IF THE LICENSE HOLDER IS LOCATED IN A MUNICIPALITY THAT IS WITHIN A COUNTY, ON THE COMPLAINT OF THE MAYOR AND COUNCIL OF THE MUNICIPALITY; OR

(4) ON THE WRITTEN COMPLAINT OF AT LEAST 10 RESIDENTS, REAL ESTATE OWNERS, OR VOTERS OF THE PRECINCT IN WHICH THE LICENSED PREMISES ARE LOCATED.

(B) HEARING.

A LICENSE HOLDER AGAINST WHOM PROCEEDINGS UNDER THIS SECTION ARE BROUGHT SHALL:

(1) BE ENTITLED TO A HEARING ON THE CHARGES IN THE COMPLAINT; AND

(2) RECEIVE NOTICE OF THE HEARING AT LEAST 10 DAYS BEFORE THE HEARING DATE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–403(a)(1), as it related to a local licensing board.

In subsection (a)(3) of this section, the former reference to “the corporate limits” of a municipality is deleted as surplusage.

In subsection (a)(4) of this section, the reference to licensed “premises” is substituted for the former reference to licensed “place of business” for consistency with terminology used throughout this article.

Also in subsection (a)(4) of this section, the former reference to “citizens” is deleted as included in the reference to “residents”.

In the introductory language of subsection (b) of this section, the reference to a license holder “against whom proceedings under this section are brought” is added for clarity.

In subsection (b)(1) of this section, the reference to charges “in the complaint” is substituted for the former reference to charges “to be framed by the officer or Board, or upon the complaint” for brevity.

Defined terms: “County” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

4–604. GROUNDS FOR REVOCATION OR SUSPENSION.

(A) DISCRETIONARY GROUNDS.

A LOCAL LICENSING BOARD MAY REVOKE OR SUSPEND A LICENSE:

(1) FOR ANY REASON TO PROMOTE THE PEACE OR SAFETY OF THE COMMUNITY IN WHICH THE PREMISES ARE LOCATED; OR

(2) FOR OFFENSES AS PROVIDED IN THIS ARTICLE.

(B) MANDATORY GROUNDS.

A LOCAL LICENSING BOARD SHALL REVOKE OR SUSPEND A LICENSE FOR:

(1) CONVICTION OF THE LICENSE HOLDER FOR VIOLATION OF THIS ARTICLE OR A PROVISION OF THE TAX – GENERAL ARTICLE THAT RELATES TO THE ALCOHOLIC BEVERAGE TAX;

(2) WILLFUL FAILURE OR REFUSAL OF THE LICENSE HOLDER TO COMPLY WITH:

(I) THIS ARTICLE OR PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX; OR

(II) A REGULATION THAT MAY BE ADOPTED UNDER THIS ARTICLE OR UNDER PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX;

(3) MAKING A MATERIAL FALSE STATEMENT IN AN APPLICATION FOR A LICENSE;

(4) TWO OR MORE CONVICTIONS WITHIN 2 YEARS OF AN AGENT OR EMPLOYEE OF A LICENSE HOLDER FOR ON-PREMISES VIOLATIONS OF THIS ARTICLE OR PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX;

(5) ON-PREMISES POSSESSION BY A RETAIL DEALER OF AN ALCOHOLIC BEVERAGE ON WHICH THE TAX IMPOSED BY § 5–102 OF THE TAX – GENERAL ARTICLE HAS NOT BEEN PAID;

(6) VIOLATION OF § 2–216 OR § 2–315 OF THIS ARTICLE;

(7) WILLFUL FAILURE OF A LICENSE HOLDER TO:

(I) KEEP THE RECORDS REQUIRED UNDER THIS ARTICLE OR UNDER PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX; OR

(II) ALLOW INSPECTION OF THE RECORDS BY AN AUTHORIZED PERSON;

(8) ON-PREMISES POSSESSION OF AN ALCOHOLIC BEVERAGE THAT A LICENSE HOLDER IS NOT LICENSED TO SELL;

(9) REVOCATION OR SUSPENSION OF A PERMIT ISSUED TO A LICENSE HOLDER BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU OR FOR CONVICTION OF VIOLATING A FEDERAL LAW RELATING TO ALCOHOLIC BEVERAGES;

(10) FAILURE TO FURNISH BOND AS REQUIRED BY THIS ARTICLE WITHIN 15 DAYS AFTER NOTICE FROM THE COMPTROLLER; OR

(11) VIOLATION OF § 4–605 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–401(a)(4) and, except as they related to State-issued licenses and permits, (2) and (3).

In the introductory language of subsection (a) of this section, the reference to the “local licensing board” is substituted for the former reference to the “issuing authority” to reflect that this subtitle applies to licenses issued only by a local licensing board.

In subsection (a)(1) of this section, the reference to any “reason” is substituted for the former reference to any “cause which in the judgment of the ... board is necessary” for brevity.

Also in subsection (a)(1) of this section, the reference to the “premises” is substituted for the former reference to the “place of business” for consistency with terminology used throughout this article.

Also in subsection (a)(1) of this section, the former reference to the “official” is deleted as included in the reference to a local licensing board.

Also in subsection (a)(1) of this section, the former reference to the “court” is deleted as unnecessary, as a court only decides on judicial review whether a suspension or revocation is proper.

In the introductory language of subsection (b) of this section, the former reference to “§ 15–112(c)(6) or (p) of this article” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(2)(ii) of this section, the former reference to a “rule” is deleted as included in the reference to a “regulation” and to conform to other similar provisions of the Code.

In subsection (b)(4) of this section, the former reference to “servants” of a license holder is deleted as included in the reference to an “employee” of a license holder. Similarly, the former reference to “clerks” is deleted.

Also in subsection (b)(4) of this section, the former reference to “one or more” agents or employees is deleted as surplusage.

Also in subsection (b)(4) of this section, the former reference to premises “subject to the license” is deleted as surplusage.

In subsection (b)(7)(ii) of this section, the former reference to a “duly” authorized person is deleted as surplusage.

In subsection (b)(9) of this section, the reference to the “federal Alcohol and Tobacco Tax and Trade Bureau” is substituted for the former incorrect reference to the “Federal Bureau of Alcohol, Tobacco and Firearms”.

In subsection (b)(11) of this section, the reference to a “violation of § 4–605 of this subtitle” is added for accuracy.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

4–605. NUDITY AND SEXUAL DISPLAYS.

(A) REVOCATION REQUIRED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LOCAL LICENSING BOARD SHALL REVOKE A LICENSE IF, AFTER A HEARING UNDER § 4–603(B) OF THIS SUBTITLE, AN ACTIVITY LISTED IN THIS SECTION IS FOUND TO HAVE OCCURRED ON THE LICENSED PREMISES.

(2) THE LICENSE OF A PERSON MAY NOT BE REVOKED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE PERSON OPERATES A THEATER, A CONCERT HALL, AN ART CENTER, A MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS PRIMARILY DEVOTED TO THE ARTS OR THEATRICAL PERFORMANCES; AND

(II) THE PERFORMANCES EXPRESS MATTERS OF SERIOUS LITERARY, ARTISTIC, SCIENTIFIC, OR POLITICAL VALUE.

(B) PROHIBITED ATTIRE AND CONDUCT.

AN INDIVIDUAL MAY NOT:

(1) BE EMPLOYED OR USED IN THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES WHILE THE INDIVIDUAL IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING SO AS TO EXPOSE TO VIEW ANY PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE AREOLA OR ANY PORTION OF THE PUBIC HAIR, ANUS, CLEFT OF THE BUTTOCKS, VULVA, OR GENITALS;

(2) BE EMPLOYED OR ACT AS A HOSTESS OR ACT IN A SIMILAR CAPACITY TO MINGLE WITH THE PATRONS WHILE THE HOSTESS OR INDIVIDUAL ACTING IN A SIMILAR CAPACITY IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING DESCRIBED IN ITEM (1) OF THIS SUBSECTION;

(3) ENCOURAGE OR ALLOW AN INDIVIDUAL ON THE LICENSED PREMISES TO CARESS OR FONDLE THE BREASTS, BUTTOCKS, ANUS, OR GENITALS OF ANOTHER INDIVIDUAL; OR

(4) ALLOW AN EMPLOYEE OR OTHER INDIVIDUAL TO WEAR OR USE A DEVICE OR COVERING EXPOSED TO VIEW THAT SIMULATES ANY PORTION OF THE BREAST, GENITALS, ANUS, OR PUBIC HAIR.

(C) PROHIBITED ENTERTAINMENT.

WITH RESPECT TO ENTERTAINMENT PROVIDED, A PERSON MAY NOT:

(1) ALLOW AN INDIVIDUAL TO PERFORM AN ACT OF OR ACT THAT SIMULATES:

(I) SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS PROHIBITED BY LAW;

(II) THE CARESSING OR FONDLING OF THE BREAST, BUTTOCKS, ANUS, OR GENITALS; OR

(III) THE DISPLAY OF THE PUBIC HAIR, ANUS, VULVA, OR GENITALS;

(2) SUBJECT TO ITEM (1) OF THIS SUBSECTION, ALLOW AN ENTERTAINER WHOSE BREASTS OR BUTTOCKS ARE EXPOSED TO PERFORM CLOSER THAN 6 FEET FROM THE NEAREST PATRON; OR

(3) ALLOW AN INDIVIDUAL TO USE AN ARTIFICIAL DEVICE OR INANIMATE OBJECT TO DEPICT, PERFORM, OR SIMULATE AN ACTIVITY PROHIBITED UNDER ITEM (1) OF THIS SUBSECTION.

(D) PROHIBITED MOTION PICTURES, STILL PICTURES, ELECTRONIC REPRODUCTION, OR OTHER VISUAL REPRODUCTION.

A PERSON MAY NOT SHOW A MOTION PICTURE, A STILL PICTURE, AN ELECTRONIC REPRODUCTION, OR OTHER VISUAL REPRODUCTION DEPICTING:

(1) AN ACT OR A SIMULATED ACT OF SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS PROHIBITED BY LAW;

(2) AN INDIVIDUAL BEING CARESSED OR FONDLED ON THE BREAST, BUTTOCKS, ANUS, OR GENITALS;

(3) A SCENE IN WHICH AN INDIVIDUAL DISPLAYS THE VULVA, ANUS, OR GENITALS; OR

(4) A SCENE IN WHICH AN ARTIFICIAL DEVICE OR INANIMATE OBJECT IS USED TO DEPICT, OR A DRAWING IS USED TO PORTRAY, A PROHIBITED ACT DESCRIBED IN THIS SUBSECTION.

(E) INDIVIDUALS WHO MUST LEAVE PREMISES.

A PERSON MAY NOT ALLOW AN INDIVIDUAL TO REMAIN IN OR ON THE LICENSED PREMISES WHO EXPOSES TO PUBLIC VIEW ANY PORTION OF THE INDIVIDUAL'S GENITALS OR ANUS.

(F) EFFECTS OF OTHER STATUTES.

THIS SECTION DOES NOT ALLOW ANY CONDUCT OR FORM OF ATTIRE PROHIBITED BY ANY OTHER STATUTE, ORDINANCE, RULE, OR REGULATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–405(b) through (g).

Throughout this section, references to an “individual” are substituted for the former references to a “person” where the context clearly indicates that the provision refers to a human being.

In subsection (a)(1) of this section, the reference to a “local licensing board” is added to state explicitly what was only implied in the former law, that a local licensing board is required to revoke licenses under this subtitle.

In the introductory language of subsection (b) of this section, the former phrase “[w]ith respect to attire and conduct,” is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to “the restrictions of” paragraph (1) of this subsection is deleted as surplusage.

In the introductory language of subsection (d) of this section, the former reference to “exhibit[ing]” is deleted as included in the reference to “show[ing]”.

Also in the introductory language of subsection (d) of this section, the former reference to a motion picture “film” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

4–606. EFFECTS OF REVOCATION.

(A) IN GENERAL.

AFTER REVOKING A LICENSE, A LOCAL LICENSING BOARD:

(1) MAY NOT ISSUE ANOTHER LICENSE TO THE PERSON WHOSE LICENSE IS REVOKED;

(2) MAY NOT ISSUE ANY LICENSE FOR THE SAME PREMISES FOR 6 MONTHS AFTER THE REVOCATION; AND

(3) MAY DECIDE NOT TO ISSUE ANOTHER LICENSE FOR THE SAME PREMISES.

(B) LICENSE HELD ON BEHALF OF CORPORATION, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION.

IF THE LICENSE WAS HELD ON BEHALF OF A CORPORATION, A PARTNERSHIP, OR AN UNINCORPORATED ASSOCIATION, ANOTHER LICENSE MAY NOT BE OBTAINED ON BEHALF OF THE CORPORATION, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION TO SELL ALCOHOLIC BEVERAGES ON THE SAME PREMISES FOR 6 MONTHS AFTER THE REVOCATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–404(a), except as it related to the Comptroller.

In the introductory language of subsection (a) of this section, the former reference to a “court” is deleted as misleading. A court does not revoke a license, but overturns or upholds the decision of the Comptroller to do so.

Also in the introductory language of subsection (a) of this section, the former reference to the “State Appeal Board” is deleted as obsolete. The State Appeal Board was abolished in 1985.

Also in the introductory language of subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

SUBTITLE 7. EXPIRATION OF LOCAL LICENSES.**4-701. SCOPE OF SUBTITLE.**

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR'S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

4-702. EXPIRATION OF LICENSES.**(A) ON DEATH OF LICENSE HOLDER.**

A LICENSE EXPIRES ON THE DEATH OF THE LICENSE HOLDER, SUBJECT TO SUBTITLE 8 OF THIS TITLE AND SUBTITLE 23 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE.

(B) AFTER VACATION OF OR EVICTION FROM PREMISES.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSE ISSUED BY A LOCAL LICENSING BOARD EXPIRES ON THE 10TH DAY AFTER A LICENSE HOLDER HAS VACATED OR BEEN EVICTED FROM THE LICENSED PREMISES.

REVISOR'S NOTE: Subsection (a) of this section is new language added as a convenient reference to provisions relating to the expiration of a license on the death of the license holder.

Subsection (b) of this section is new language derived without substantive change from the first clause of the first sentence of former Art. 2B, § 10-504(a), except as it related to Baltimore County.

In subsection (b) of this section, the reference to a license issued by "a local licensing board" is substituted for the former reference to a license issued "under this article" to clarify that this section applies only to licenses that a local licensing board issues and not to licenses that the Comptroller issues.

Defined terms: "License" § 1-101

"License holder" § 1-101

"Local licensing board" § 1-101

4-703. PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS.

SECTION 4-702 OF THIS SUBTITLE DOES NOT APPLY IF AN APPLICATION IS PENDING OR HAS BEEN APPROVED FOR:

(1) A TRANSFER OF A LICENSE TO ANOTHER LOCATION OR ANOTHER PERSON, SUBJECT TO SUBTITLE 3 OF THIS TITLE AND SUBTITLE 17 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE; OR

(2) A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR CONTINUATION OF BUSINESS, SUBJECT TO § 4-803 OF THIS TITLE AND SUBTITLE 23 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second clause of the first sentence of former Art. 2B, § 10-504(a).

In item (2) of this section, the reference to “a certificate of permission or a renewal license for continuation of business” is added for clarity.

Defined terms: “License” § 1-101

“Person” § 1-101

4-704. LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE.

A LICENSE ISSUED BY A LOCAL LICENSING BOARD FOR A PREMISES ACQUIRED FOR PUBLIC USE SHALL EXPIRE 180 DAYS AFTER ACQUISITION UNLESS AN APPLICATION IS PENDING OR HAS BEEN APPROVED FOR:

(1) A TRANSFER OF THE LICENSE TO ANOTHER LOCATION OR ANOTHER PERSON, SUBJECT TO SUBTITLE 3 OF THIS TITLE AND SUBTITLE 17 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE; OR

(2) A CERTIFICATE OF PERMISSION, SUBJECT TO § 4-803 OF THIS TITLE AND SUBTITLE 23 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-504(c).

In the introductory language of this section, the reference to a license “issued by a local licensing board” is added for clarity.

Also in the introductory language of this section, the former reference to a license expiring “within” 180 days is deleted as surplusage.

In item (2) of this section, the reference to “a certificate of permission” is added for clarity.

Former Art. 2B, § 10–504(b), which stated that Art. 2B, § 10–504 did not apply to the holder of a license whose premises have been acquired for public use, is deleted as erroneous. Former Art. 2B, § 10–504(c), now revised as this section, contains provisions concerning a license for a premises acquired for public use.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

4–705. POSTPONEMENT TO AVOID HARDSHIP.

(A) ADDITIONAL PERIOD ALLOWED.

A LOCAL LICENSING BOARD MAY POSTPONE THE EXPIRATION OF A LICENSE THAT THE LOCAL LICENSING BOARD ISSUES FOR AN ADDITIONAL PERIOD TO AVOID HARDSHIP.

(B) LIMIT ON ADDITIONAL PERIOD.

THE ADDITIONAL PERIOD MAY NOT EXCEED 20 DAYS.

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10–504(a), except as it related to the Comptroller.

In subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to “undue” hardship is deleted as redundant.

In subsection (b) of this section, the former phrase “in any case” is deleted as surplusage.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

SUBTITLE 8. DEATH OF LICENSE HOLDER.

4–801. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR'S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

4-802. EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER.

SUBJECT TO § 4-803 OF THIS SUBTITLE, A LICENSE EXPIRES WHEN THE LICENSE HOLDER DIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(a)(1), except for the reference to Class E, Class F, and Class G licenses.

Defined terms: "License" § 1-101
"License holder" § 1-101

4-803. CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS.

(A) IN GENERAL.

ON APPLICATION TO THE LOCAL LICENSING BOARD AND PAYMENT OF A FEE OF \$1 BY THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE ESTATE OF A DECEASED LICENSE HOLDER TO THE LOCAL COLLECTING AGENT, THE LOCAL LICENSING BOARD MAY GRANT A CERTIFICATE OF PERMISSION FOR THE CONTINUATION OF THE BUSINESS IN THE NAME OF THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR FOR THE BENEFIT OF THE ESTATE OF THE DECEASED LICENSE HOLDER.

(B) TERM.

(1) THE CERTIFICATE OF PERMISSION MAY BE GRANTED FOR A PERIOD NOT EXCEEDING 18 MONTHS AFTER THE DATE OF THE GRANTED PERMISSION UNLESS THE LICENSE EXPIRES EARLIER.

(2) IF THE LICENSE EXPIRES EARLIER THAN 18 MONTHS AFTER THE DATE OF THE GRANTED PERMISSION, THE LOCAL LICENSING BOARD MAY ISSUE A RENEWAL LICENSE ON APPLICATION BY THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR FOR A PERIOD NOT EXCEEDING 18 MONTHS AFTER THE DEATH OF THE LICENSE HOLDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(a)(3) and (4) and, as it related to local licensing boards, (2)(i).

In this section and throughout this subtitle, the references to “personal representative” and “special administrator” are substituted for the former references to “executor” and “administrator” to conform to terminology used in the Estates and Trusts Article.

In subsection (a) of this section, the reference to the personal representative or special administrator “of the estate” of a deceased license holder is added for clarity.

Also in subsection (a) of this section, the former phrase “[e]xcept as provided in subparagraph (ii) of this paragraph” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to the local licensing board “that granted the license” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the “local licensing board” is added to clarify that the local licensing board issues the replacement license under this subtitle.

Also in subsection (b)(2) of this section, the reference to the license expiring “earlier than 18 months after the date of the granted permission” is substituted for the former reference to the license expiring “earlier” for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local collecting agent” § 1–101

“Local licensing board” § 1–101

4–804. TRANSFER OR REINSTATEMENT OF LICENSE.

(A) APPLICATION FOR TRANSFER.

THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR TO WHOM A CERTIFICATE OF PERMISSION HAS BEEN GRANTED MAY APPLY TO THE LOCAL LICENSING BOARD FOR THE TRANSFER OF THE LICENSE FOR THE BENEFIT OF THE ESTATE OF THE LICENSE HOLDER.

(B) REINSTATEMENT OF LICENSE.

ON APPROVAL OF THE APPLICATION FOR TRANSFER OF THE LICENSE AND PAYMENT OF THE BALANCE OF ANY LICENSE FEE DUE UNTIL THE EXPIRATION OF THE LICENSE YEAR, THE LICENSE IS REINSTATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(a)(6).

In subsection (a) of this section, the reference to the authority of a personal representative or special administrator to “apply to the local licensing board” for the transfer of a license is added to state expressly what was only implied in the former law.

Also in subsection (a) of this section, the former reference to “assign[ing]” a license is deleted as included in the reference to “transfer[ring]” a license. Similarly, in subsection (b) of this section, the reference to “assignment” of a license is deleted.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

4–805. RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION.

(A) APPLICABILITY OF RIGHTS TO CERTIFICATE OF PERMISSION AND RENEWAL LICENSE.

ON PAYMENT OF A PRO RATA LICENSE FEE FOR THE PERIOD OF CONTINUATION, A CERTIFICATE OF PERMISSION AND A RENEWAL LICENSE ARE SUBJECT TO THE RIGHT OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION.

(B) RENEWAL LICENSE, PERSONAL REPRESENTATIVE, AND SPECIAL ADMINISTRATOR SUBJECT TO ALCOHOLIC BEVERAGES LAWS.

DURING THE PERIOD OF CONTINUATION, THE RENEWAL LICENSE AND THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE ESTATE OF THE DECEASED LICENSE HOLDER ARE SUBJECT TO THIS ARTICLE AND THE PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(a)(5).

In subsection (a) of this section, the reference to the “period of continuation” is substituted for the former reference to “such period” for clarity.

Also in subsection (a) of this section, the former phrase “as in other cases” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

4–806. REFUND.

THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE DECEASED LICENSE HOLDER MAY APPLY FOR AND OBTAIN ANY REFUND TO WHICH THE DECEASED LICENSE HOLDER WOULD HAVE BEEN ENTITLED IF THE LICENSE HAD BEEN SURRENDERED FOR CANCELLATION ON THE DATE OF THE LICENSE HOLDER’S DEATH IF:

(1) THE BUSINESS OF A LICENSE HOLDER IS NOT CONTINUED UNDER § 4–803 OF THIS SUBTITLE; AND

(2) THE LICENSE IS NOT TRANSFERRED UNDER § 4–804 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(a)(7).

In item (2) of this section, the former reference to the license being “assigned” is deleted as included in the reference to the license being “transferred”.

Defined terms: “License” § 1–101

“License holder” § 1–101

SUBTITLE 9. JUDICIAL REVIEW.

4–901. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR’S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

4–902. JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING BOARD.

THE FOLLOWING DECISIONS OF A LOCAL LICENSING BOARD ARE SUBJECT TO JUDICIAL REVIEW AS PROVIDED IN THIS SUBTITLE:

(1) A LIMITATION, RESTRICTION, OR PROHIBITION IMPOSED ON AN AGGRIEVED APPLICANT FOR A LICENSE OR AGGRIEVED LICENSE HOLDER; OR

(2) AN APPROVAL, A SUSPENSION, A REVOCATION, OR A RESTRICTION, OR A REFUSAL TO APPROVE, SUSPEND, REVOKE, OR RESTRICT, A LICENSE OR A LICENSE HOLDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–201(b) and 16–101(a).

In this section and throughout this subtitle, the references to “judicial review” are substituted for the former incorrect references to “appeal”. Only a decision by a court is subject to appeal. A decision by an administrative agency, like a board of license commissioners, is subject to judicial review.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

4–903. PETITIONERS.

(A) WHO MAY SEEK JUDICIAL REVIEW.

THE FOLLOWING PERSONS MAY PETITION FOR JUDICIAL REVIEW OF A DECISION OF A LOCAL LICENSING BOARD TO THE CIRCUIT COURT OF THE COUNTY WHERE THE LOCAL LICENSING BOARD SITS ON PAYMENT OF ALL COSTS INCIDENT TO THE HEARING BEFORE THE LOCAL LICENSING BOARD:

(1) A HOLDER OF A LICENSE ISSUED BY THE LOCAL LICENSING BOARD;

(2) ANY APPLICANT FOR A LICENSE; AND

(3) A GROUP OF NOT FEWER THAN 10 PERSONS WHO ARE RESIDENTS OR REAL ESTATE OWNERS IN THE PRECINCT OR VOTING DISTRICT WHERE THE LICENSED PLACE OF BUSINESS IS LOCATED OR PROPOSED TO BE LOCATED.

(B) QUALIFICATIONS OF PETITIONER.

TO SEEK JUDICIAL REVIEW OF A DECISION OF A LOCAL LICENSING BOARD UNDER SUBSECTION (A) OF THIS SECTION, A LICENSE HOLDER, AN APPLICANT FOR A LICENSE, OR A GROUP SHALL HAVE:

(1) BEEN AGGRIEVED BY THE DECISION OF THE LOCAL LICENSING BOARD; AND

(2) APPEARED AT THE HEARING OF THE LOCAL LICENSING BOARD IN PERSON, BY REPRESENTATION, OR BY SUBMITTING A WRITTEN DOCUMENT THAT WAS INTRODUCED AT THE HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(b)(1) and (3).

In this section and throughout this subtitle, the references to “petition” are substituted for the former incorrect references to “appeal” to reflect that this subtitle concerns the judicial review of an administrative agency – a board of license commissioners – and not a court.

In the introductory language of subsection (a) of this section, the reference to the circuit court of the county “where the local licensing board sits” is added for clarity.

In subsection (a)(2) of this section, the former reference to the license “that is the subject of the decision by the local licensing board” is deleted for consistency with § 4–902 of this subtitle.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

4–904. STAY OF LOCAL BOARD’S PETITION.

WHEN A PETITION IS FILED UNDER THIS SUBTITLE, A LOCAL LICENSING BOARD MAY STAY ITS ORDER THAT IS THE SUBJECT OF THE PETITION UNTIL THE FINAL DETERMINATION OF THE PETITION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(c)(1).

The phrase “under this subtitle” is added for clarity.

The reference to the order “that is the subject of the petition” is added for clarity.

The phrase “of the petition” is substituted for the former word “thereof” for clarity.

The former phrase “[s]ubject to paragraph (2) of this subsection” is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Local licensing board” § 1–101

4–905. SCOPE OF JUDICIAL REVIEW.

(A) PRESUMPTION.

ON THE HEARING OF A PETITION UNDER THIS SUBTITLE, THE COURT SHALL PRESUME THAT THE ACTION OF THE LOCAL LICENSING BOARD WAS PROPER AND BEST SERVED THE PUBLIC INTEREST.

(B) BURDEN OF PROOF.

A PETITIONER HAS THE BURDEN OF PROOF TO SHOW THAT THE DECISION OF THE LOCAL LICENSING BOARD BEING REVIEWED WAS:

- (1) AGAINST THE PUBLIC INTEREST; AND**
- (2) (I) NOT HONESTLY AND FAIRLY ARRIVED AT;**
 - (II) ARBITRARY;**
 - (III) PROCURED BY FRAUD;**
 - (IV) UNSUPPORTED BY SUBSTANTIAL EVIDENCE;**
 - (V) UNREASONABLE;**
 - (VI) BEYOND THE POWERS OF THE BOARD; OR**
 - (VII) ILLEGAL.**

(C) NO JURY.

A REVIEW OF A DECISION OF A LOCAL LICENSING BOARD UNDER THIS SUBTITLE SHALL BE HEARD BY THE COURT WITHOUT A JURY.

(D) ADDITIONAL TESTIMONY.

THE COURT MAY HEAR ADDITIONAL TESTIMONY TO THE EXTENT AND IN THE MANNER THAT IS NECESSARY IF, IN THE OPINION OF THE COURT:

(1) IT IS IMPRACTICABLE TO DETERMINE THE QUESTION PRESENTED TO THE COURT WITHOUT THE HEARING OF ADDITIONAL EVIDENCE;

(2) A QUALIFIED LITIGANT HAS BEEN DEPRIVED OF THE OPPORTUNITY TO OFFER EVIDENCE; OR

(3) THE INTERESTS OF JUSTICE REQUIRE THAT FURTHER EVIDENCE SHOULD BE TAKEN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(1)(i).

In subsection (a) of this section, the phrase “[o]n the hearing of a petition under this subtitle” is substituted for the former phrase “[u]pon the hearing of such appeal” for clarity.

In the introductory language of subsection (b) of this section, the reference to the decision “being reviewed” is substituted for the former reference to the decision “complained of” for clarity and consistency within this subtitle.

In subsection (b)(2)(i) of this section, the phrase “not honestly and fairly arrived at” is substituted for the former phrase “that the local licensing board’s discretion in rendering its decision was not honestly and fairly exercised” for brevity and clarity.

In subsection (c) of this section, the reference to “[a] review of a decision of a local licensing board under this subtitle” is substituted for the former reference to “[t]he case” for clarity.

Also in subsection (c) of this section, the former reference to “the intervention of” a jury is deleted as surplusage.

In the introductory language to subsection (d) of this section, the former phrase “in the case on appeal” is deleted as surplusage.

In subsection (d)(3) of this section, the word “otherwise” is deleted as surplusage.

Defined term: “Local licensing board” § 1–101

4–906. REPRESENTATION OF LOCAL LICENSING BOARD.

IN A PETITION FOR JUDICIAL REVIEW UNDER THIS SUBTITLE, A LOCAL LICENSING BOARD MAY BE REPRESENTED BY A QUALIFIED ATTORNEY DESIGNATED BY THE LOCAL LICENSING BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(2).

The phrase “[i]n a petition for judicial review under this subtitle” is substituted for the former phrase “[i]n such actions of appeal” for clarity.

The former phrase “for such service” is deleted as surplusage.

Defined term: “Local licensing board” § 1–101

4–907. AFFIRMATIONS, MODIFICATIONS, AND REVERSALS.

(A) IN GENERAL.

(1) THE COURT MAY AFFIRM, MODIFY, OR REVERSE A DECISION OF THE LOCAL LICENSING BOARD.

(2) IF THE COURT REVERSES A DECISION, THE COURT SHALL FILE WITH THE RECORD A WRITTEN STATEMENT OF THE REASONS FOR THE REVERSAL.

(B) COSTS.

COSTS FOR A JUDICIAL REVIEW UNDER THIS SUBTITLE SHALL BE AWARDED AS IN OTHER CIVIL CASES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(i).

In subsection (a) of this section, the references to a “decision” of a local licensing board are substituted for the former references to an “action” of a local licensing board to conform to the terminology used throughout this subtitle.

In subsection (a)(2) of this section, the phrase “for the reversal” is added for clarity.

Also in subsection (a)(2) of this section, the reference to the “record” is substituted for the former reference to the “papers” for clarity.

In subsection (b) of this section, the phrase “for a judicial review under this subtitle” is added for clarity.

Defined term: “Local licensing board” § 1–101

4–908. APPEALS TO COURT OF SPECIAL APPEALS AND COURT OF APPEALS.

(A) APPEAL BY PARTY OF RECORD.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PARTY OF RECORD TO A REVIEW OF A DECISION OF A LOCAL LICENSING BOARD TO THE CIRCUIT COURT MAY APPEAL THE DECISION OF THE COURT:

(1) TO THE COURT OF SPECIAL APPEALS; OR

(2) BY CERTIORARI, TO THE COURT OF APPEALS.

(B) NO STAY OF SANCTIONS.

THE COURT OF SPECIAL APPEALS OR THE COURT OF APPEALS MAY NOT STAY A DECISION BY A LOCAL LICENSING BOARD TO IMPOSE SANCTIONS ON A LICENSE HOLDER IF:

(1) AN APPEAL OF THE DECISION OF THE CIRCUIT COURT IS MADE UNDER THIS SUBTITLE; AND

(2) THE DECISION OF THE CIRCUIT COURT AFFIRMED THE DECISION OF THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(f).

In subsection (b)(2) of this section, the reference to the decision “of the circuit court” is substituted for the former reference to the decision “being appealed” for clarity.

Defined terms: “License holder” § 1–101

“Local licensing board” § 1–101

SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

4–1001. CONFERENCE CENTER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B–BWL (H–C) LICENSE.

(B) AUTHORIZED HOLDER.

A LOCAL LICENSING BOARD MAY ISSUE THE LICENSE TO THE MANAGEMENT COMPANY OF THE CONFERENCE CENTER FACILITY IF THE FACILITY:

(1) IS JOINTLY OWNED, OPERATED, OR FINANCED BY THE MARYLAND STADIUM AUTHORITY AND THE POLITICAL SUBDIVISION OR AN INSTRUMENTALITY OF THAT POLITICAL SUBDIVISION THAT IS PHYSICALLY CONNECTED TO A HOTEL; AND

(2) PROVIDES FOOD AND BEVERAGE SERVICE TO REGISTERED GUESTS AT THE HOTEL.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE PREMISES OF THE FACILITY AND THE ADJACENT HOTEL, INCLUDING THE ROOMS OF REGISTERED GUESTS.

(D) INAPPLICABLE RESTRICTIONS.

THE LICENSE IS EXEMPT FROM RESTRICTIONS AGAINST HOLDING MULTIPLE LICENSES OR HAVING FINANCIAL INTERESTS IN MULTIPLE LICENSES.

(E) FOOD-TO-ALCOHOLIC BEVERAGE RATIO.

IN A JURISDICTION WITH A FOOD-TO-ALCOHOLIC BEVERAGES RATIO REQUIREMENT FOR A CLASS B (ON-SALE) HOTEL AND RESTAURANT LICENSE, THE LAWS AND REGULATIONS CONCERNING THE RATIO REQUIREMENT APPLY TO THE CLASS B-BWL (H-C) LICENSE.

(F) FEE.

THE ANNUAL LICENSE FEE IS \$2,500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-601.

In the introductory language of subsection (b) of this section, the defined term “local licensing board” is substituted for the former reference to “the board of license commissioners in the jurisdiction in which the facility is located” for brevity.

In subsection (b)(1) of this section, the former reference to an “adjacent” hotel is deleted as included in the phrase “physically connected to” a hotel.

In subsection (c) of this section, the reference to the authority of the “license holder to sell beer, wine, and liquor for consumption on the premises” is substituted for the former reference to “only on-sale privileges” for clarity.

In subsection (d) of this section, the reference to “restrictions against holding multiple licenses or having financial interests in multiple licenses” is substituted for the former reference to “[t]he provisions of §§ 9–102 and 10–103(b)(12) and (15) of this article” for clarity.

In subsection (e) of this section, the former reference to laws and regulations concerning the ratio requirement “in that jurisdiction” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Hotel” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.

4–1101. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR’S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

4–1102. CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES.

(A) INDIVIDUALS WHO MAY CONSUME WINE.

(1) AN INDIVIDUAL IN A RESTAURANT, CLUB, OR HOTEL FOR WHICH A CLASS B OR CLASS C LICENSE ALLOWING THE SALE OF WINE IS ISSUED MAY CONSUME WINE NOT PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER ONLY IF:

(I) THE WINE IS CONSUMED WITH A MEAL DURING THE HOURS OF SALE SPECIFIED BY THE LICENSE;

(II) THE INDIVIDUAL OBTAINS THE APPROVAL OF THE LICENSE HOLDER;

(III) THE WINE IS NOT AVAILABLE FOR SALE ON THE LICENSE HOLDER'S WINE LIST; AND

(IV) THE LICENSE HOLDER OBTAINS A PERMIT FROM THE LOCAL LICENSING BOARD BEFORE ALLOWING AN INDIVIDUAL THE PRIVILEGE OF CONSUMING WINE NOT PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER.

(2) A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS UNDER THE AGE OF 21 YEARS OR WHO IS VISIBLY UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE THE PRIVILEGE OF CONSUMING THE WINE.

(B) PERMIT TO BE ISSUED TO EACH LICENSE HOLDER.

(1) A LOCAL LICENSING BOARD SHALL ISSUE A PERMIT AT NO CHARGE TO EACH LICENSE HOLDER WHO SEEKS TO ALLOW AN INDIVIDUAL TO CONSUME WINE UNDER THE CONDITIONS SET OUT IN SUBSECTION (A)(1) OF THIS SECTION.

(2) A LICENSE HOLDER THAT OBTAINS THE PERMIT MAY DETERMINE AND CHARGE THE INDIVIDUAL A FEE FOR THE PRIVILEGE, ON WHICH A SALES TAX APPLICABLE TO ALCOHOLIC BEVERAGES SHALL BE IMPOSED.

(C) REMOVAL OF WINE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL DISPOSE OF THE WINE THAT REMAINS AFTER THE MEAL IS FINISHED.

(2) AN INDIVIDUAL MAY REMOVE FROM THE LICENSED PREMISES A BOTTLE OF WINE, THE CONTENTS OF WHICH ARE PARTIALLY CONSUMED WITH THE MEAL, IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER INSERTS A CORK IN OR PLACES A CAP ON THE BOTTLE.

(3) A BOTTLE OF WINE THAT IS REMOVED FROM THE LICENSED PREMISES UNDER PARAGRAPH (2) OF THIS SUBSECTION IS AN "OPEN CONTAINER" FOR PURPOSES OF § 10-125 OF THE CRIMINAL LAW ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(10)(ii) through (viii) and (i)1.

In subsection (b)(2) of this section, the reference to a sales tax “applicable to alcoholic beverages” is added for clarity.

Also in subsection (b)(2) of this section, the reference to a license holder that “obtains the permit” is substituted for the former reference to a license holder that “allows an individual the privilege of consuming wine described under subparagraph (ii) of this paragraph” for clarity and brevity.

In subsection (c)(2) of this section, the former reference to the contents of a bottle of wine being “only” partially consumed is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Club” § 1–101

“Hotel” § 1–101

“License Holder” § 1–101

“Local licensing board” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

4–1103. REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES.

(A) IN GENERAL.

AN INDIVIDUAL WHO, AT A LICENSED PREMISES, PURCHASES A MEAL AND A BOTTLE OF WINE, THE CONTENTS OF WHICH ARE PARTIALLY CONSUMED WITH THE MEAL, MAY REMOVE THE BOTTLE AND ITS CONTENTS FROM THE LICENSED PREMISES IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER INSERTS A CORK IN OR PLACES A CAP ON THE BOTTLE.

(B) BOTTLE AS OPEN CONTAINER.

A BOTTLE OF WINE THAT IS REMOVED FROM THE LICENSED PREMISES UNDER SUBSECTION (A) OF THIS SECTION IS AN “OPEN CONTAINER” FOR PURPOSES OF § 10–125 OF THE CRIMINAL LAW ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–107.1.

In subsection (a) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License holder” § 1–101

“Wine” § 1–101

4–1104. REFILLABLE CONTAINER PERMIT — DRAFT BEER.

(A) ESTABLISHED.

THERE IS A REFILLABLE CONTAINER PERMIT.

(B) SCOPE OF AUTHORIZATION.

A REFILLABLE CONTAINER PERMIT AUTHORIZES THE PERMIT HOLDER TO:

(1) SELL DRAFT BEER FOR OFF–PREMISES CONSUMPTION IN A REFILLABLE CONTAINER THAT MEETS THE STANDARDS SET OUT IN SUBSECTION (D) OF THIS SECTION; AND

(2) SELL AND REFILL A REFILLABLE CONTAINER THAT MEETS THE STANDARDS SET OUT IN SUBSECTION (D) OF THIS SECTION.

(C) PERMIT TERM; HOURS OF SALE; NOTICE AND HEARING REQUIREMENTS.

(1) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS THAT OF THE UNDERLYING LICENSE.

(2) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ARE THE SAME AS THOSE FOR THE UNDERLYING LICENSE.

(3) AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITHOUT AN OFF–SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE UNDERLYING LICENSE.

(D) CONTAINER STANDARDS.

(1) TO BE USED AS A REFILLABLE CONTAINER FOR BEER UNDER THE AUTHORITY OF A REFILLABLE CONTAINER PERMIT, A CONTAINER SHALL:

(I) HAVE A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES;

(II) BE SEALABLE;

(III) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF THE CONTAINER;

(IV) BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;

(V) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER;
AND

(VI) BEAR A LABEL STATING THAT:

1. CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND

2. THE CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS AFTER PURCHASE.

(2) THE COMPTROLLER MAY ADOPT STANDARDS REGARDING CONTAINERS THAT QUALIFY FOR USE AS REFILLABLE CONTAINERS FOR BEER, INCLUDING CONTAINERS ORIGINATING FROM OUTSIDE THE STATE.

(3) THE HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE THE STATE THAT MEETS THE STANDARDS ADOPTED BY THE COMPTROLLER UNDER PARAGRAPH (2) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–103(b) through (g) and 21–107(a), (b), (d), and (e), as they related to refillable containers for beer.

In the introductory language of subsection (b) of this section, the former phrase “[w]ith respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(2) of this section, the former word “only” is deleted as unnecessary.

In subsection (c)(2) of this section, the former phrase “[e]xcept as otherwise specifically provided,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(3) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Comptroller” § 1–101

“Consumer” § 1–101

“License” § 1–101

“Off-sale” § 1–101

“State” § 1–101

4–1105. REFILLABLE CONTAINER PERMIT — WINE.

(A) ESTABLISHED.

THERE IS A REFILLABLE CONTAINER PERMIT.

(B) SCOPE OF AUTHORIZATION.

A REFILLABLE CONTAINER PERMIT AUTHORIZES THE PERMIT HOLDER TO:

(1) SELL WINE FOR OFF–PREMISES CONSUMPTION IN A REFILLABLE CONTAINER THAT MEETS THE STANDARDS SET OUT IN SUBSECTION (D) OF THIS SECTION; AND

(2) SELL AND REFILL A REFILLABLE CONTAINER THAT MEETS THE STANDARDS SET OUT IN SUBSECTION (D) OF THIS SECTION.

(C) PERMIT TERM; HOURS OF SALE; NOTICE AND HEARING REQUIREMENTS.

(1) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS THAT OF THE UNDERLYING LICENSE.

(2) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ARE THE SAME AS THOSE FOR THE UNDERLYING LICENSE.

(3) AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITHOUT AN OFF–SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE UNDERLYING LICENSE.

(D) CONTAINER STANDARDS.

(1) TO BE USED AS A REFILLABLE CONTAINER FOR WINE UNDER THE AUTHORITY OF A REFILLABLE CONTAINER PERMIT, A CONTAINER SHALL:

(I) HAVE A CAPACITY OF NOT LESS THAN 17 OUNCES AND NOT MORE THAN 34 OUNCES;

(II) BE SEALABLE;

(III) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF THE CONTAINER;

(IV) BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;

(V) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER;
AND

(VI) BEAR A LABEL STATING THAT CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER.

(2) THE COMPTROLLER MAY ADOPT STANDARDS REGARDING CONTAINERS THAT QUALIFY FOR USE AS REFILLABLE CONTAINERS FOR WINE, INCLUDING CONTAINERS ORIGINATING FROM OUTSIDE THE STATE.

(3) THE HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE THE STATE THAT MEETS THE STANDARDS ADOPTED BY THE COMPTROLLER UNDER PARAGRAPH (2) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–103(b) through (g) and 21–107(a), (c), (d), and (e), as they related to refillable containers for wine.

In the introductory language of subsection (b) of this section, the former phrase “[w]ith respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(2) of this section, the former word “only” is deleted as unnecessary.

In subsection (c)(2) of this section, the former phrase “[e]xcept as otherwise specifically provided,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(3) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Consumer” § 1–101

“License” § 1–101

“Off-sale” § 1–101

“State” § 1–101

“Wine” § 1–101

SUBTITLE 12. TEMPORARY LICENSES.

4–1201. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR’S NOTE: This section is new language added to clarify that this subtitle contains provisions of statewide applicability that may be superseded by local provisions stated in Division II of this article.

4–1202. PER DIEM LICENSES.

(A) LICENSE APPLICATION.

A LOCAL LICENSING BOARD MAY ISSUE A PER DIEM LICENSE FOR THE PERIODS AND AT THE FEES SPECIFIED IN THIS SUBTITLE OR BY THE LOCAL LICENSING BOARD.

(B) APPLICATION REQUIREMENTS.

AN APPLICATION FOR A PER DIEM LICENSE SHALL BE:

(1) ON THE FORM THAT THE COMPTROLLER REQUIRES; AND

(2) SIGNED AND SWORN TO BY THE APPLICANT.

(C) RESTRICTIONS.

A PER DIEM LICENSE MAY BE ISSUED ONLY IF THE ISSUANCE OF A REGULAR LICENSE OF THE SAME CLASS IS AUTHORIZED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(a)(1) and, except as it related to statewide licenses, (g).

In subsection (a) of this section and throughout this subtitle, the references to a “per diem” license are substituted for the former references to a “special” license to conform to the terminology used throughout this article.

In subsection (a) of this section, the phrase “or by the local licensing board” is added to reflect that a local licensing board may impose a fee that is different from those specified in this subtitle.

Also in subsection (a) of this section, the defined term “local licensing board” is substituted for the former reference to the “board of license commissioners for that jurisdiction” to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the reference to an application being signed and sworn to “by the applicant” is added for clarity.

In subsection (c) of this section, the former reference to a license “provided for in this section” is deleted as surplusage.

Also in subsection (c) of this section, the former prohibition against the issuance of a license “in any county or in Baltimore City” is deleted as surplusage.

Also in subsection (c) of this section, the former reference to a license not authorized “by this article” is deleted as implied in the defined term “license”.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

4–1203. CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.

(A) SCOPE OF AUTHORIZATION.

A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THE RESPECTIVE CLASS OF LICENSE:

(1) FOR THE USE OF A PERSON HOLDING AN ENTERTAINMENT EVENT THAT IS CONDUCTED BY A CLUB;

(2) AT THE PLACE DESCRIBED IN THE LICENSE; AND

(3) FOR A PERIOD NOT EXCEEDING 7 CONSECUTIVE DAYS.

(B) AGREEMENTS FOR DELIVERY AND RETURNS FOR 1-DAY LICENSES.

(1) A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A 1-DAY CLASS C PER DIEM BEER LICENSE OR A 1-DAY CLASS C PER DIEM BEER AND WINE LICENSE TO:

(I) DELIVER BEER OR WINE ALLOWED UNDER THE LICENSE STARTING 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND

(II) ACCEPT RETURNS NOT MORE THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.

(2) DELIVERY OF BEER OR WINE ORDERED IN ACCORDANCE WITH AN AGREEMENT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE MADE ONLY IF THE HOLDER OF THE 1-DAY PER DIEM LICENSE POSSESSES THE LICENSE AT THE TIME OF DELIVERY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(c) and (b)(1)(i).

In subsection (a)(1) of this section, the former reference to "bona fide" entertainment is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to 7 consecutive days "from the effective date thereof" is deleted as surplusage.

In subsection (b)(1)(i) of this section, the reference to the beer or wine "allowed under the license" is added for clarity.

Defined terms: "Beer" § 1-101

"Club" § 1-101

"License holder" § 1-101

"Person" § 1-101

"Wholesaler's license" § 1-101

"Wine" § 1-101

4-1204. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

(A) SCOPE OF AUTHORIZATION.

A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THIS CLASS OF LICENSE:

(1) FOR THE USE OF A PERSON HOLDING AN ENTERTAINMENT EVENT THAT IS CONDUCTED BY A CLUB;

(2) AT THE PLACE DESCRIBED IN THE LICENSE; AND

(3) FOR A PERIOD NOT EXCEEDING 7 CONSECUTIVE DAYS.

(B) ALCOHOLIC BEVERAGES TO BE PURCHASED FROM RETAIL DEALER.

ALCOHOLIC BEVERAGES SOLD UNDER A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE SHALL BE PURCHASED BY THE LICENSE HOLDER FROM A RETAIL DEALER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(d)(1)(i), except as it related to the license fee, and the second sentence of (ii).

In subsection (a)(1) of this section, the former reference to “bona fide” entertainment is deleted as surplusage.

The first sentence of former Art. 2B, § 7–101(d)(1)(ii), which provided that the provisions of former Art. 2B, § 11–517 did not apply to the holder of a Class C per diem beer, wine, and liquor license, is deleted as redundant of § 23–503 of this article, which expressly allows a holder of a wholesale license to enter into an agreement with the holder of a per diem license.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Club” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

“Wine” § 1–101

4–1205. FEES.

(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.

THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE LICENSE IS \$5 PER DAY.

(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$15 PER DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(1)(ii) and, as it related to the license fee, (d)(1)(i).

Defined terms: “Beer” § 1–101
“Wine” § 1–101

4–1206. LICENSE TO DISPOSE OF STOCK.

(A) SCOPE OF AUTHORIZATION.

A LOCAL LICENSING BOARD MAY ISSUE A LICENSE TO DISPOSE OF STOCK FOR A PERIOD NOT EXCEEDING 10 CONSECUTIVE DAYS.

(B) CANCELED, REVOKED, OR SUSPENDED LICENSE OR LICENSE NOT RENEWED.

(1) A LICENSE HOLDER MAY DISPOSE OF THE LICENSE HOLDER'S STOCK OF ALCOHOLIC BEVERAGES IF:

(I) THE LICENSE HAS BEEN CANCELED, REVOKED, OR SUSPENDED;

(II) RENEWAL HAS BEEN DENIED BY THE LOCAL LICENSING BOARD; OR

(III) A RENEWAL LICENSE HAS BEEN GRANTED BY THE LOCAL LICENSING BOARD AND A COURT ON JUDICIAL REVIEW HAS REVERSED THE LOCAL LICENSING BOARD'S DECISION.

(2) A LICENSE HOLDER THAT DISPOSES OF STOCK MAY SELL THE STOCK AT RETAIL OR TO A LICENSED WHOLESALE.

(3) A LICENSE DOES NOT AUTHORIZE THE LICENSE HOLDER TO PURCHASE ALCOHOLIC BEVERAGES FOR RESALE.

(C) FEE.

THE FEE FOR A LICENSE UNDER THIS SECTION IS \$5 PER DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(e).

In subsection (a) of this section, the former reference to a license “of any class” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “[a] license holder that disposes of stock may” is substituted for the former phrase “[t]he special license shall carry with it the privilege of” for clarity.

Also in subsection (b)(2) of this section, the former reference to “one or more” licensed wholesalers is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Wholesaler” § 1–101

4–1207. TEMPORARY MOVE OF LICENSED PREMISES.**(A) IN GENERAL.**

WHEN A LICENSED PREMISES MUST BE MOVED DUE TO FIRE OR OTHER CATASTROPHE, THE LOCAL LICENSING BOARD MAY ISSUE A LICENSE TO A HOLDER TO MOVE THE LICENSED PREMISES FROM ONE LOCATION TO ANOTHER WHILE THE PREMISES IS BEING RESTORED FOR:

(1) A PERIOD THAT THE LOCAL LICENSING BOARD DETERMINES; BUT

(2) NOT MORE THAN 6 MONTHS.

(B) BOARD MAY NOT CHARGE AN ADDITIONAL FEE TO APPROVE LOCATION CHANGE.

THE LOCAL LICENSING BOARD:

(1) MAY APPROVE THE NEW LOCATION TO WHICH THE LICENSE HOLDER HAS TEMPORARILY MOVED; BUT

(2) MAY NOT CHARGE A FEE FOR THE APPROVAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(f), except as it related to the Comptroller.

In the introductory language of subsection (a) of this section, the former reference to a license “of any class” is deleted as surplusage.

In subsection (a)(1) of this section, the reference to a period that the local licensing board “determines” is substituted for the former reference to a period “in the discretion of” the local licensing board for brevity.

Also in subsection (a)(1) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “as in the case of the original application” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to a fee for “the approval” is substituted for the former reference to a fee for “this special license” for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

4–1208. HOURS AND DAYS OF SALE.

FOR THE EXERCISE OF THE PRIVILEGES OF THE LICENSE, A TEMPORARY LICENSE IS A REGULAR LICENSE OF THE CORRESPONDING CLASS FOR DETERMINING THE HOURS AND DAYS OF OPERATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–203.

The former reference to a “special” license is deleted as surplusage.

The former phrase “issued under this article” is deleted as included in the defined term “license”.

Defined term: “License” § 1–101

4–1209. WINE PERMIT FOR FUND–RAISING EVENT.

(A) AUTHORIZED.

A NONPROFIT ORGANIZATION MAY RECEIVE A WINE PERMIT FOR A FUND–RAISING EVENT BY APPLYING TO THE LOCAL LICENSING BOARD FOR THE JURISDICTION IN WHICH THE EVENT IS TO BE HELD.

(B) SCOPE OF AUTHORIZATION.

A PERMIT AUTHORIZES THE HOLDER TO:

(1) HOLD A FUND-RAISING EVENT ON THE FEDERALLY BONDED PREMISES OF A WINERY, PROVIDED THE WINERY IS OPERATED UNDER A CLASS 3 WINERY LICENSE OR CLASS 4 LIMITED WINERY LICENSE AND HOLDS A CLASS A LIGHT WINE LICENSE; AND

(2) PURCHASE WINE IN SEALED CONTAINERS FROM THE WINERY AND SELL THE WINE AT THE EVENT IN OPEN CONTAINERS AT RETAIL FOR CONSUMPTION ON THE PERMIT PREMISES.

(C) COSIGNATURE BY HOST WINERY.

THE WINERY HOSTING THE EVENT SHALL COSIGN THE PERMIT.

(D) ANNUAL LIMIT ON NUMBER OF EVENTS.

A WINERY MAY NOT HOST MORE THAN SIX EVENTS UNDER THIS SECTION PER CALENDAR YEAR.

(E) FEE.

THE PERMIT FEE IS \$15.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–401.

In subsection (a) of this section, the former reference to a “bona fide” nonprofit organization is deleted as surplusage.

In subsection (b)(1) of this section, the reference to a “Class 3 winery license or Class 4 limited winery license” is substituted for the former reference to a “Class 3 or Class 4 manufacturer’s license” for clarity.

Defined terms: “Jurisdiction” § 1–101

“Local licensing board” § 1–101

“Wine” § 1–101

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 2B, § 7–101(a)(2), which stated that the Comptroller may grant an application for a statewide special (per diem) license, is deleted as unnecessary

because the Comptroller does not issue per diem licenses. Consequently, references to “the Comptroller” in former Art. 2B, § 7–101(f) and references to “statewide license[s]” in former Art. 2B, § 7–101(g) are deleted.

TITLE 5. GENERAL BEER REGULATION.

SUBTITLE 1. BEER FRANCHISE FAIR DEALING ACT.

5–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection is new language derived without substantive change from the introductory language of former Art. 2B, § 17–101(b). It is restated as the standard introductory language to a definition section.

The former phrase “unless otherwise required by the context” is deleted as unnecessary because it merely repeats a standard rule of statutory construction.

(B) BEER DISTRIBUTOR.

“BEER DISTRIBUTOR” MEANS A PERSON THAT IMPORTS OR CAUSES TO BE IMPORTED INTO THE STATE, OR PURCHASES OR CAUSES TO BE PURCHASED IN THE STATE, BEER FOR SALE OR RESALE TO A RETAIL DEALER LICENSED UNDER THIS ARTICLE WITHOUT REGARD TO WHETHER THE BUSINESS OF THE PERSON IS CONDUCTED UNDER A BEER FRANCHISE AGREEMENT OR ANOTHER FORM OF AGREEMENT WITH A BEER MANUFACTURER.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17–101(b)(4).

The former reference to “the terms of” a beer franchise is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Beer franchise agreement” § 5–101

“Beer manufacturer” § 5–101

“Person” § 1–101

“Retail dealer” § 1–101

“State” § 1–101

(C) BEER FRANCHISE AGREEMENT.

“BEER FRANCHISE AGREEMENT” MEANS:

(1) A COMMERCIAL RELATIONSHIP BETWEEN A BEER DISTRIBUTOR AND BEER MANUFACTURER THAT:

(I) IS OF A DEFINITE OR INDEFINITE DURATION; AND

(II) IS NOT REQUIRED TO BE IN WRITING;

(2) A RELATIONSHIP IN WHICH A BEER MANUFACTURER GRANTS A BEER DISTRIBUTOR THE RIGHT TO OFFER AND SELL THE BRANDS OF BEER OFFERED BY THE BEER MANUFACTURER;

(3) A RELATIONSHIP IN WHICH A BEER DISTRIBUTOR, AS AN INDEPENDENT BUSINESS, CONSTITUTES A COMPONENT OF A BEER MANUFACTURER’S DISTRIBUTION SYSTEM;

(4) A RELATIONSHIP IN WHICH A BEER DISTRIBUTOR’S BUSINESS IS SUBSTANTIALLY ASSOCIATED WITH A BEER MANUFACTURER’S BRAND, ADVERTISING, OR ANOTHER COMMERCIAL SYMBOL THAT DESIGNATES THE BEER MANUFACTURER;

(5) A RELATIONSHIP IN WHICH A BEER DISTRIBUTOR’S BUSINESS RELIES SUBSTANTIALLY ON A BEER MANUFACTURER FOR THE CONTINUED SUPPLY OF BEER; OR

(6) A WRITTEN OR ORAL ARRANGEMENT OF DEFINITE OR INDEFINITE DURATION IN WHICH:

(I) A BEER MANUFACTURER GRANTS TO A BEER DISTRIBUTOR THE RIGHT TO USE A TRADE NAME, TRADEMARK, SERVICE MARK, OR RELATED CHARACTERISTIC; AND

(II) THERE IS A COMMUNITY OF INTEREST IN THE MARKETING OF GOODS OR SERVICES AT WHOLESALE OR RETAIL, BY LEASE, OR BY ANOTHER METHOD.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17–101(b)(1).

The defined term “beer franchise agreement” is substituted for the former defined terms “franchise” and “agreement” to use only one defined term for

purposes of this subtitle and to be more descriptive when describing the type of agreement to which this subtitle applies.

In item (2) of this subsection, the reference to “a beer manufacturer grant[ing] a beer distributor” the right to offer and sell brands of beer is substituted for the former reference to “the beer distributor [being] granted” the right to clarify that this right is granted by the beer manufacturer and to use the active voice.

In subsection (c)(6)(i) of this section, the reference to granting a “right” is substituted for the former reference to granting a “license” for clarity.

Defined terms: “Beer” § 1–101

“Beer distributor” § 5–101

“Beer manufacturer” § 5–101

(D) BEER MANUFACTURER.

“BEER MANUFACTURER” MEANS:

(1) A BREWER, FERMENTER, PROCESSOR, BOTTLER, OR PACKAGER OF BEER LOCATED IN OR OUTSIDE THE STATE; OR

(2) A PERSON LOCATED IN OR OUTSIDE THE STATE THAT ENTERS INTO A BEER FRANCHISE AGREEMENT WITH A BEER DISTRIBUTOR DOING BUSINESS IN THE STATE.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17–101(b)(5).

Defined terms: “Beer” § 1–101

“Beer distributor” § 5–101

“Beer franchise agreement” § 5–101

“Person” § 1–101

“State” § 1–101

(E) FRANCHISEE.

“FRANCHISEE” MEANS:

(1) A BEER DISTRIBUTOR TO WHOM A BEER FRANCHISE AGREEMENT IS GRANTED OR OFFERED; OR

(2) A BEER DISTRIBUTOR THAT IS A PARTY TO A BEER FRANCHISE AGREEMENT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17–101(b)(2).

The former phrase “as defined herein” is deleted as surplusage.

Defined terms: “Beer distributor” § 5–101

“Beer franchise agreement” § 5–101

(F) FRANCHISOR.

“FRANCHISOR” MEANS A BEER MANUFACTURER THAT:

(1) ENTERS INTO A BEER FRANCHISE AGREEMENT WITH A BEER DISTRIBUTOR; OR

(2) IS A PARTY TO A BEER FRANCHISE AGREEMENT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17–101(b)(3).

In item (2) of this subsection, the former phrase “as defined herein” is deleted as surplusage.

Defined terms: “Beer distributor” § 5–101

“Beer franchise agreement” § 5–101

“Beer manufacturer” § 5–101

(G) SALES TERRITORY.

“SALES TERRITORY” MEANS THE AREA OF SALES RESPONSIBILITY DESIGNATED BY A BEER FRANCHISE AGREEMENT FOR THE BRAND OR BRANDS OF BEER OF A BEER MANUFACTURER.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17–101(b)(7).

The former defined term “territory” is deleted as included in the more descriptive and specific defined term “sales territory”.

The former phrase “between any franchisee or franchisor” is deleted as included in the defined term “beer franchise agreement”. Similarly, the former reference to “any franchisor” is deleted as included in the reference to a “beer manufacturer”.

Defined terms: “Beer” § 1–101

“Beer franchise agreement” § 5–101

“Beer manufacturer” § 5–101

5–102. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES TO CORPORATIONS, PARTNERSHIPS, TRUSTS, AGENCIES, AND OTHER ENTITIES AND TO PERSONS WHO ARE OFFICERS, DIRECTORS, AND OTHER INDIVIDUALS IN ACTIVE CONTROL OF THE ACTIVITIES OF A CORPORATION, A PARTNERSHIP, A TRUST, AN AGENCY, OR ANY OTHER ENTITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–101(b)(6). Because “person” already appears as a defined term in § 1–101 of this article, former Art. 2B, § 17–101(b)(6) is revised here as a scope of subtitle provision for clarity.

Defined term: “Person” § 1–101

5–103. LEGISLATIVE POLICY.

(A) IN GENERAL.

IT IS THE POLICY OF THE STATE THAT:

(1) IT IS NECESSARY TO REGULATE AND CONTROL BEER FRANCHISE AGREEMENTS AND RELATIONSHIPS BETWEEN BEER MANUFACTURERS AND BEER DISTRIBUTORS:

(I) TO FOSTER AND PROMOTE TEMPERANCE IN THE CONSUMPTION OF BEER; AND

(II) TO PROMOTE RESPECT FOR AND OBEDIENCE TO THE LAWS THAT CONTROL THE DISTRIBUTION AND SALE OF BEER; AND

(2) TEMPERANCE AND OBEDIENCE TO THE LAWS THAT CONTROL THE DISTRIBUTION AND ULTIMATE SALE OF BEER IS PROMOTED BY LEGISLATION THAT ENCOURAGES BEER DISTRIBUTORS TO MAKE INVESTMENTS IN THEIR FACILITIES TO SERVE RETAIL LICENSE HOLDERS BY PROTECTING THEM AGAINST THE TERMINATION OF BEER DISTRIBUTORSHIPS, OR OTHER ACTS DESCRIBED IN THIS SUBTITLE, WITHOUT GOOD CAUSE FOR THE TERMINATION OR OTHER ACTS.

(B) ACCOMPLISHMENT OF POLICY.

IT IS NECESSARY TO ACCOMPLISH THIS POLICY TO ELIMINATE THE UNDUE STIMULATION OF SALES OF BEER IN THE STATE BY BEER MANUFACTURERS THAT

INDUCE OR COERCE, OR ATTEMPT TO INDUCE OR COERCE, BEER DISTRIBUTORS TO ACT DETRIMENTALLY TO THE ORDERLY AND LAWFUL DISTRIBUTION OF BEER BY:

(1) THREATENED OR ACTUAL TERMINATION OF THE BEER MANUFACTURER AND BEER DISTRIBUTOR RELATIONSHIP, DIRECTLY OR INDIRECTLY;

(2) THE ESTABLISHMENT OF DUAL BEER DISTRIBUTORS OF A BRAND OR BRANDS OF BEER IN A SALES TERRITORY PRESENTLY SERVED BY A BEER DISTRIBUTOR; OR

(3) THE SALE OF THE SAME BRAND OR BRANDS OF BEER IN ONE SALES TERRITORY BY MORE THAN ONE FRANCHISEE.

(C) RECOGNITION OF NATURE OF BEER DISTRIBUTION.

THE GENERAL ASSEMBLY FURTHER RECOGNIZES THE DISTINCTION BETWEEN THE NATURE OF THE DISTRIBUTION OF BEER AND OTHER ALCOHOLIC BEVERAGES IN THAT DISTRIBUTORS OF ALCOHOLIC BEVERAGES OTHER THAN BEER ARE FRANCHISED BY MANUFACTURERS TO DISTRIBUTE MANY BRANDS OF VARIOUS KINDS OF ALCOHOLIC BEVERAGES AND ARE NOT AS VULNERABLE TO THE ECONOMIC PRESSURES OF THE MANUFACTURERS AS ARE BEER DISTRIBUTORS, WHICH TRADITIONALLY HANDLE MAINLY ONE, TWO, OR THREE BRANDS OF BEER IN THEIR DISTRIBUTORSHIPS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–101(a).

In subsection (c) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “alcoholic liquors” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Beer distributor” § 5–101

“Beer franchise agreement” § 5–101

“Beer manufacturer” § 5–101

“Franchisee” § 5–101

“License holder” § 1–101

“State” § 1–101

“Sales territory” § 5–101

5–104. PROHIBITED INDUCEMENTS BY BEER MANUFACTURER; FAILURE TO DELIVER BEER.

A BEER MANUFACTURER MAY NOT:

(1) INDUCE OR COERCE, OR ATTEMPT TO INDUCE OR COERCE, A BEER DISTRIBUTOR TO ACCEPT DELIVERY OF AN ALCOHOLIC BEVERAGE, ANY FORM OF ADVERTISEMENT, OR ANOTHER COMMODITY THAT THE BEER DISTRIBUTOR DID NOT ORDER;

(2) INDUCE OR COERCE, OR ATTEMPT TO INDUCE OR COERCE, A BEER DISTRIBUTOR TO DO AN ILLEGAL ACT OR THING, OR TO DO AN ACT UNFAIR TO THE BEER DISTRIBUTOR, BY THREATENING TO CANCEL, TERMINATE, OR REFUSE TO RENEW A BEER FRANCHISE AGREEMENT THAT EXISTS BETWEEN THE BEER MANUFACTURER, OR ITS REPRESENTATIVE, AND THE BEER DISTRIBUTOR; OR

(3) FAIL OR REFUSE TO DELIVER TO A BEER DISTRIBUTOR WITH A BEER FRANCHISE AGREEMENT ANY BEER THAT THE BEER MANUFACTURER OR ITS AGENTS ADVERTISED PUBLICLY FOR IMMEDIATE SALE PROMPTLY AFTER THE BEER MANUFACTURER RECEIVED AN ORDER FROM THE BEER DISTRIBUTOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–102.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Beer distributor” § 5–101

“Beer franchise agreement” § 5–101

“Beer manufacturer” § 5–101

5–105. MULTIPLE FRANCHISEES IN SAME TERRITORY PROHIBITED.

IF A FRANCHISOR DESIGNATES A SALES TERRITORY FOR WHICH A FRANCHISEE IS PRIMARILY RESPONSIBLE OR IN WHICH A FRANCHISEE IS REQUIRED TO CONCENTRATE ITS EFFORTS, THE FRANCHISOR MAY NOT ENTER INTO A BEER FRANCHISE AGREEMENT WITH ANOTHER BEER DISTRIBUTOR TO ESTABLISH AN ADDITIONAL FRANCHISEE FOR ITS BRAND OR BRANDS OF BEER IN THAT SALES TERRITORY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–105.

Defined terms: “Beer” § 1–101

“Beer distributor” § 5–101

“Beer franchise agreement” § 5–101

“Franchisee” § 5–101

“Franchisor” § 5–101

“Sales territory” § 5–101

5-106. SALE OR DELIVERY BY FRANCHISEE PROHIBITED OUTSIDE OF TERRITORY.

IF A FRANCHISEE IS GRANTED A SALES TERRITORY FOR WHICH THE FRANCHISEE IS PRIMARILY RESPONSIBLE OR IN WHICH THE FRANCHISEE IS REQUIRED TO CONCENTRATE ITS EFFORTS, THE FRANCHISEE MAY NOT SELL OR DELIVER BEER TO A RETAIL DEALER WHOSE PLACE OF BUSINESS IS NOT WITHIN THE SALES TERRITORY GRANTED TO THE FRANCHISEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17-106.

Defined terms: "Beer" § 1-101
"Franchisee" § 5-101
"Retail dealer" § 1-101
"Sales territory" § 5-101

5-107. NOTICE OF INTENT TO TERMINATE OR REFUSE TO RENEW BEER FRANCHISE AGREEMENT.**(A) SCOPE OF SECTION.**

THIS SECTION DOES NOT APPLY TO A TEMPORARY DELIVERY AGREEMENT UNDER § 2-209(C) OF THIS ARTICLE FOR A BEER FESTIVAL OR A WINE AND BEER FESTIVAL.

(B) NOTICE REQUIRED.

(1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AT LEAST 180 DAYS BEFORE A BEER MANUFACTURER INTENDS TO TERMINATE OR REFUSE TO RENEW A BEER FRANCHISE AGREEMENT, THE BEER MANUFACTURER SHALL NOTIFY THE FRANCHISEE IN WRITING OF ITS INTENT.

(2) THE NOTICE SHALL STATE ALL THE REASONS FOR THE INTENDED TERMINATION OR NONRENEWAL.

(C) RECTIFYING DEFICIENCY.

(1) IF A DEFICIENCY IS CLAIMED IN THE NOTICE PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, THE FRANCHISEE HAS 180 DAYS TO RECTIFY THE DEFICIENCY.

(2) IF THE FRANCHISEE RECTIFIES THE DEFICIENCY WITHIN 180 DAYS AFTER THE NOTICE IS RECEIVED, THE INTENDED TERMINATION OR NONRENEWAL OF THE BEER FRANCHISE AGREEMENT IS VOID.

(D) EXCEPTION.

THE NOTICE REQUIREMENT OF SUBSECTION (B) OF THIS SECTION DOES NOT APPLY IF THE REASON FOR THE INTENDED TERMINATION OR NONRENEWAL IS INSOLVENCY, THE OCCURRENCE OF AN ASSIGNMENT FOR THE BENEFIT OF CREDITORS, OR BANKRUPTCY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–104.

In subsection (b)(1) of this section, the former reference to “cancel” is deleted as included in the reference to “terminate”. Similarly, in subsections (b)(2), (c)(2), and (d) of this section, the former references to “cancellation” are deleted as included in the references to “termination”.

In subsection (c)(2) of this section, the reference to 180 days “after the notice is received” is substituted for the former reference to 180 days “of notice” for clarity.

Also in subsection (c)(2) of this section, the former reference to “null” is deleted as included in the reference to “void”.

Also in subsection (c)(2) of this section, the former phrase “without legal effect” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Beer franchise agreement” § 5–101

“Beer manufacturer” § 5–101

“Franchisee” § 5–101

“Wine” § 1–101

5–108. TERMINATION OF OR REFUSAL TO RENEW BEER FRANCHISE AGREEMENT WITHOUT GOOD CAUSE PROHIBITED.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A TEMPORARY DELIVERY AGREEMENT UNDER § 2–209(C) OF THIS ARTICLE FOR A BEER FESTIVAL OR A WINE AND BEER FESTIVAL.

(B) IN GENERAL.

(1) NOTWITHSTANDING THE TERMS OF A BEER FRANCHISE AGREEMENT, A FRANCHISOR MAY NOT TERMINATE OR REFUSE TO CONTINUE OR RENEW A BEER FRANCHISE AGREEMENT, OR CAUSE A FRANCHISEE TO RESIGN FROM A BEER FRANCHISE AGREEMENT, WITHOUT GOOD CAUSE.

(2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, GOOD CAUSE INCLUDES THE REVOCATION OF A FRANCHISEE'S LICENSE TO DO BUSINESS IN THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–103.

In subsection (b)(1) of this section, the phrase “without good cause” is substituted for the former phrase “unless good cause exists for termination, cancellation, nonrenewal, noncontinuation or causing a resignation” for brevity.

Also in subsection (b)(1) of this section, the former reference to “provisions or conditions” is deleted as included in the reference to “terms”.

Also in subsection (b)(1) of this section, the former reference to “cancel” is deleted as included in the reference to “terminate”.

In subsection (b)(2) of this section, the former reference to a license revoked “under any provisions of this article” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Beer franchise agreement” § 5–101

“Franchisee” § 5–101

“Franchisor” § 5–101

“License” § 1–101

“State” § 1–101

“Wine” § 1–101

5–109. ACTION FOR VIOLATION OF SUBTITLE.

(A) IN GENERAL.

(1) A BEER DISTRIBUTOR OR FRANCHISEE MAY BRING AN ACTION IN A COURT OF GENERAL JURISDICTION TO RECOVER DAMAGES AGAINST A BEER MANUFACTURER, FRANCHISOR, OR FRANCHISEE FOR VIOLATION OF THIS SUBTITLE.

(2) IF APPROPRIATE, THE BEER DISTRIBUTOR OR FRANCHISEE IS ENTITLED TO INJUNCTIVE RELIEF.

(B) COSTS OF ACTION.

IN AN ACTION FOR VIOLATION OF THIS SUBTITLE, THE PREVAILING BEER DISTRIBUTOR OR FRANCHISEE IS ENTITLED TO THE COSTS OF THE ACTION INCLUDING REASONABLE ATTORNEY’S FEES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–107.

In subsection (a)(1) of this section, the former phrase “in the State of Maryland” is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to damages “sustained by reason of any violation of this subtitle” is deleted as redundant of the phrase “for violation of this subtitle”.

In subsection (b) of this section, the former reference to including “but not limited to” reasonable attorney’s fees is deleted as unnecessary because it merely repeats a standard rule of statutory construction.

Defined terms: “Beer distributor” § 5–101

“Beer manufacturer” § 5–101

“Franchisee” § 5–101

“Franchisor” § 5–101

SUBTITLE 2. SUCCESSOR MANUFACTURERS.**5–201. OBLIGATION OF SUCCESSOR MANUFACTURER.****(A) DEFINITIONS.**

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AGREEMENT” MEANS ORAL OR WRITTEN EVIDENCE BETWEEN A BEER MANUFACTURER AND A BEER WHOLESALER GRANTING THE BEER WHOLESALER THE RIGHT TO OFFER AND SELL THE BRANDS OF BEER OFFERED BY THE BEER MANUFACTURER.

(3) “BEER MANUFACTURER” MEANS:

(I) A BREWER, FERMENTER, PROCESSOR, BOTTLER, OR PACKAGER OF BEER LOCATED IN OR OUTSIDE THE STATE; OR

(II) A PERSON LOCATED IN OR OUTSIDE THE STATE THAT ENTERS INTO AN AGREEMENT WITH A BEER WHOLESALER DOING BUSINESS IN THE STATE.

(4) “FAIR MARKET VALUE” MEANS THE PRICE AT WHICH AN ASSET WOULD CHANGE HANDS BETWEEN A WILLING SELLER AND A WILLING BUYER WHEN NEITHER IS ACTING UNDER ANY COMPULSION AND WHEN BOTH HAVE KNOWLEDGE OF ALL OF THE RELEVANT FACTS.

(5) “SUCCESSOR BEER MANUFACTURER” INCLUDES A PERSON OR LICENSE HOLDER WHO REPLACES A BEER MANUFACTURER WITH THE RIGHT TO SELL, DISTRIBUTE, OR IMPORT A BRAND OF BEER.

(B) OBLIGATION OF SUCCESSOR BEER MANUFACTURER.

EXCEPT FOR THE DISCONTINUANCE OF A BRAND OF BEER OR FOR GOOD CAUSE SHOWN AS PROVIDED UNDER § 5–108 OF THIS TITLE, A SUCCESSOR BEER MANUFACTURER THAT CONTINUES IN THE BUSINESS IS OBLIGATED UNDER ALL THE TERMS AND CONDITIONS OF THE AGREEMENT MADE BETWEEN THE PREVIOUS BEER MANUFACTURER AND THE EXISTING BEER WHOLESALER THAT WERE IN EFFECT ON THE DATE OF CHANGE OF BEER MANUFACTURERS.

(C) TERMINATION OF AGREEMENT PROVISIONS.

A SUCCESSOR BEER MANUFACTURER THAT TERMINATES ANY AGREEMENT PROVISION REQUIRED TO BE CONTINUED UNDER SUBSECTION (B) OF THIS SECTION SHALL REMUNERATE THE BEER WHOLESALER A SUM EQUAL TO THE FAIR MARKET VALUE FOR THE SALE OF THE SUBJECT BRAND OR BRANDS OF BEER CALCULATED FROM THE DATE OF TERMINATION.

(D) NOTICE OF TERMINATION.

(1) BEFORE A SUCCESSOR BEER MANUFACTURER MAY TERMINATE ANY AGREEMENT PROVISION REQUIRED TO BE CONTINUED UNDER SUBSECTION (B) OF THIS SECTION AND DESIGNATE ANOTHER BEER WHOLESALER TO REPLACE THE EXISTING BEER WHOLESALER, THE SUCCESSOR BEER MANUFACTURER SHALL GIVE NOTICE OF TERMINATION TO THE BEER WHOLESALER TO BE REPLACED.

(2) ON RECEIPT OF THE NOTICE, THE BEER WHOLESALER TO BE REPLACED AND THE DESIGNATED BEER WHOLESALER SHALL NEGOTIATE IN GOOD FAITH TO DETERMINE THE FAIR MARKET VALUE OF THE AFFECTED DISTRIBUTION RIGHTS.

(3) IF AN AGREEMENT IS REACHED, THE DESIGNATED BEER WHOLESALER PROMPTLY SHALL PAY THE FAIR MARKET VALUE AS COMPENSATION TO THE BEER WHOLESALER TO BE REPLACED.

(4) IF AN AGREEMENT IS NOT REACHED WITHIN 30 DAYS AFTER THE BEER WHOLESALER TO BE REPLACED RECEIVES NOTICE, THE DESIGNATED BEER WHOLESALER AND THE BEER WHOLESALER TO BE REPLACED SHALL ENTER INTO NONBINDING MEDIATION WITH A MEDIATOR IN THE STATE WHO PRACTICES IN ACCORDANCE WITH TITLE 17 OF THE MARYLAND RULES.

(5) IF AN AGREEMENT IS NOT REACHED WITHIN 45 DAYS AFTER MEDIATION BEGINS, THE BEER WHOLESALER TO BE REPLACED SHALL WITHIN 90 DAYS BRING AN ACTION IN A COURT OF GENERAL JURISDICTION AGAINST A SUCCESSOR BEER MANUFACTURER TO DETERMINE AND AWARD FAIR MARKET VALUE OF THE TERMINATED BRAND OR BRANDS.

(E) SUPPORT AND DISTRIBUTION OF BRAND.

UNTIL RESOLUTION REGARDING FAIR MARKET VALUE IS REACHED UNDER SUBSECTION (D) OF THIS SECTION AND THE BEER WHOLESALER TO BE REPLACED HAS RECEIVED PAYMENT IN ACCORDANCE WITH THE DETERMINATION OF FAIR MARKET VALUE:

(1) THE BEER WHOLESALER TO BE REPLACED AND THE SUCCESSOR BEER MANUFACTURER SHALL SUPPORT THE BRAND TO AT LEAST THE SAME EXTENT THAT THE BRAND HAD BEEN PREVIOUSLY SUPPORTED IMMEDIATELY BEFORE THE SUCCESSOR BEER MANUFACTURER ACQUIRED RIGHTS TO THE BRAND; AND

(2) THE BEER WHOLESALER TO BE REPLACED SHALL CONTINUE TO DISTRIBUTE THE BRAND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21–103.

Throughout this section, the references to a “wholesaler” are substituted for the former references to a “distributor” for clarity.

In subsection (b) of this section, the reference to the “existing beer wholesaler” is substituted for the former reference to the “surviving beer distributor” for clarity.

In subsection (d) of this section, the references to the “beer wholesaler to be replaced” are substituted for the former references to the “surviving beer distributor” for clarity.

In subsection (d)(1) of this section, the phrase “to replace the existing beer wholesaler” is added for clarity.

In subsection (d)(4) of this section, the reference to a mediator “in the State” is substituted for the former reference to “a Maryland mediator” for clarity.

In subsection (d)(5) of this section, the former phrase “in the State” is deleted as surplusage.

Defined terms: “Beer” § 1–101
“License holder” § 1–101
“Person” § 1–101
“State” § 1–101
“Wholesaler” § 1–101

SUBTITLE 3. OTHER BEER REGULATION.

5–301. INFORMATION ON ALCOHOL CONTENT REQUIRED.

(A) INFORMATION PROVIDED TO WHOLESALER.

A PERSON WHO SUPPLIES OR SELLS BEER TO A WHOLESALER FOR RESALE TO RETAIL DEALERS SHALL PROVIDE TO THE WHOLESALER WRITTEN INFORMATION STATING THE APPROXIMATE PERCENTAGE OF ALCOHOL CONTENT BY VOLUME PER SEALED PACKAGE OR SEALED CONTAINER FOR EACH BRAND OF BEER SUPPLIED OR SOLD TO THE WHOLESALER.

(B) INFORMATION PROVIDED TO RETAIL DEALER.

A BEER WHOLESALER SHALL PROVIDE TO EACH BEER RETAIL DEALER WITH WHOM IT DOES BUSINESS THE WRITTEN INFORMATION IT RECEIVES UNDER SUBSECTION (A) OF THIS SECTION REGARDING THE BEER SUPPLIED TO THE RETAIL DEALER.

(C) PENALTY.

THE PENALTY PROVISIONS OF § 6–402 OF THIS ARTICLE DO NOT APPLY TO A VIOLATION OF THIS SECTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21–104.

In subsection (c) of this section, the former reference to “§ 16–507” of the former article is deleted for accuracy.

Defined terms: “Beer” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

“Wholesaler” § 1–101

5–302. SIZE OF CONTAINERS.

A PERSON MAY NOT BE PROHIBITED FROM SELLING OR DELIVERING TO WHOLESALERS OR RETAIL DEALERS WITHIN THE STATE BEER IN THE FOLLOWING CONTAINER SIZES:

(1) 6.33, 7, 8, 10, 11, 11.39, 11.5, 12, 16, 24, 25, 32, OR 40 OUNCES;

(2) 740 MILLILITERS;

(3) 1, 2.25, 3.875, 5.167, 7.75, 13.209, 13.5, 15, OR 15.5 GALLONS; AND

(4) 5, 50, OR 51 LITERS.

REVISOR’S NOTE: This section formerly was Art. 2B, § 21–101.

No changes are made.

Defined terms: “Beer” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

5–303. KEG REGISTRATION.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “KEG” MEANS A CONTAINER OF BEER WITH A CAPACITY OF AT LEAST 4 GALLONS, WHICH IS DESIGNED TO DISPENSE BEER DIRECTLY FROM THE CONTAINER.

(3) “KEG LICENSE HOLDER” MEANS A PERSON WHO HOLDS A LICENSE THAT AUTHORIZES THE PERSON TO SELL BEER IN KEGS AT RETAIL.

(B) SALE OR TRANSFER OF KEG.

A KEG LICENSE HOLDER MAY NOT SELL OR OTHERWISE TRANSFER, OR OFFER TO SELL OR OTHERWISE TRANSFER, THE CONTENTS OF A KEG FOR OFF-PREMISES CONSUMPTION UNLESS:

(1) THE KEG LICENSE HOLDER PROVIDES TO THE PURCHASER A KEG REGISTRATION FORM APPROVED AND DISTRIBUTED BY THE COMPTROLLER THAT IS DESIGNED TO BE AFFIXED TO THE KEG AND THAT INDICATES THE NAME AND ADDRESS OF THE LICENSED ESTABLISHMENT AND A REGISTRATION NUMBER;

(2) EXCEPT AS PROVIDED IN § 26-103 OF THIS ARTICLE, THE PURCHASER PROVIDES IDENTIFICATION AND COMPLETES AND SIGNS A REGISTRATION FORM WITH THE FOLLOWING INFORMATION:

(I) THE PURCHASER'S NAME AND ADDRESS AS SHOWN ON THE IDENTIFICATION PRODUCED; AND

(II) THE DATE OF PURCHASE; AND

(3) THE KEG LICENSE HOLDER AFFIXES THE COMPLETED REGISTRATION FORM TO THE KEG AND RETAINS A COPY OF THE FORM FOR 30 DAYS ON THE LICENSED PREMISES.

(C) RETURN OF KEG.

(1) ON RETURN OF A REGISTERED KEG FROM THE PURCHASER, THE KEG LICENSE HOLDER SHALL REMOVE OR OBLITERATE THE KEG REGISTRATION FORM AFFIXED TO THE KEG AND NOTE THE REMOVAL AND THE DATE OF THE REMOVAL ON THE COPY OF THE KEG REGISTRATION FORM RETAINED BY THE KEG LICENSE HOLDER AT THE LICENSED PREMISES.

(2) (I) IF A KEG IS MADE OF DISPOSABLE PACKAGING THAT DOES NOT HAVE TO BE RETURNED TO THE KEG LICENSE HOLDER, THE KEG LICENSE HOLDER SHALL INDICATE ON THE KEG REGISTRATION FORM THAT THE KEG IS DISPOSABLE.

(II) DISPOSAL OF EMPTY KEGS MADE OF DISPOSABLE PACKAGING DOES NOT CONSTITUTE OBLITERATION OF THE KEG REGISTRATION FORM.

(D) REGULATIONS.

EACH LOCAL LICENSING BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(E) FEE.

A KEG LICENSE HOLDER MAY CHARGE A KEG REGISTRATION FEE TO A PURCHASER.

(F) PENALTIES.

(1) A KEG LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 OR A SUSPENSION OR REVOCATION OF THE LICENSE, OR BOTH A FINE AND SUSPENSION OR REVOCATION.

(2) THE EXISTENCE OF A COMPLETED REGISTRATION FORM SIGNED BY THE PURCHASER CREATES A PRESUMPTION THAT THE KEG LICENSE HOLDER HAS COMPLIED WITH THE REQUIREMENTS OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21–106(a), (b), (d), (e), (f), and (g).

In subsection (d) of this section, the defined term “local licensing board” is substituted for the former reference to the “board of license commissioners or, if there is no board of license commissioners in that county, the liquor control board” for brevity.

Defined terms: “Beer” § 1–101

“Comptroller” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

TITLE 6. FORFEITURES; ENFORCEMENT; PROHIBITED ACTS; PENALTIES.

SUBTITLE 1. FORFEITURES.

6–101. SEIZURE OF CONTRABAND.

(A) IN GENERAL.

ALCOHOLIC BEVERAGES AND OTHER CONTRABAND KEPT, POSSESSED, USED, SOLD, MANUFACTURED, STORED, OR TRANSPORTED IN VIOLATION OF THIS ARTICLE:

(1) ARE SUBJECT TO SEIZURE AND FORFEITURE; AND

(2) WHEN SEIZED, MAY BE RECOVERED OR DISPOSED OF ONLY AS PROVIDED IN THIS SUBTITLE.

(B) FORFEITURE.

PROPERTY IS FORFEITED IF IT:

(1) WAS SEIZED AS CONTRABAND IN THE POSSESSION OR CONTROL OF A DEFENDANT WHO IS FOUND GUILTY OF VIOLATING THIS ARTICLE; OR

(2) IS OTHERWISE FOUND TO BE CONTRABAND OR IN VIOLATION OF THIS ARTICLE.

(C) UNCLAIMED CONTRABAND.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, PROPERTY IS FORFEITED IF IT:

(I) IS SEIZED AS CONTRABAND AND REMAINS UNCLAIMED FOR 30 DAYS AFTER SEIZURE; AND

(II) HAS NOT BEEN DESTROYED IN ACCORDANCE WITH THIS SUBTITLE.

(2) (I) A VEHICLE, A VESSEL, OR AN AIRCRAFT THAT IS SEIZED AS CONTRABAND IS FORFEITED UNLESS A PROTEST IS FILED WITHIN 30 DAYS AFTER THE PUBLICATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(II) THE COMPTROLLER:

1. IF POSSIBLE, SHALL NOTIFY THE REGISTERED OWNER OF THE PROPERTY OF THE SEIZURE; AND

2. SHALL PUBLISH A NOTICE:

A. IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE VEHICLE, VESSEL, OR AIRCRAFT WAS SEIZED; AND

B. INFORMING INTERESTED PERSONS OF THE SEIZURE AND THE RIGHT TO FILE A PROTEST.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1–201(f)(1), (2), and (3).

In the introductory language of subsection (a) of this section, the phrase “in violation of” is substituted for the former phrase “contrary to” to conform to the terminology used throughout this article.

In subsections (a)(2) and (c)(1)(ii) of this section, the references to “subtitle” are substituted for the former references to “subsection” and “section”, respectively, to reflect the organization of this revised article.

In subsection (b) of this section, the references to “found” are substituted for the former references to “adjudged” for clarity.

In the introductory language of subsection (b) of this section, the former reference to “immediately” forfeited is deleted as surplusage.

In subsection (c)(2)(i) of this section, the reference to a “protest” is substituted for the former reference to a “claim” to conform to the terminology used throughout this subtitle. Similarly, in subsection (c)(2)(ii)2B of this section, the reference to a “protest” is substituted for the former reference to a “claim protesting the confiscation of the vehicle, vessel or aircraft” for brevity.

In subsection (c)(2)(ii)1 of this section, the reference to notifying the registered owner “of the property of the seizure” is added for clarity.

In subsection (c)(2)(ii)2A of this section, the former reference to “Baltimore City” is deleted as included in the defined term “county”.

Also in subsection (c)(2)(ii)2A of this section, the former reference to a vehicle, vessel, or aircraft “confiscated under this article” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“County” § 1–101

“Person” § 1–101

6–102. EQUIPMENT FOR UNLAWFUL MANUFACTURE AS CONTRABAND.

APPARATUS, MATERIALS, EQUIPMENT, IMPLEMENTS, DEVICES, AND OTHER PERSONAL PROPERTY DESIGNED, USED, OR INTENDED TO BE USED TO VIOLATE A PROVISION OF THIS ARTICLE RELATING TO THE UNLAWFUL MANUFACTURE OF ALCOHOLIC BEVERAGES:

(1) ARE CONTRABAND; AND

(2) MAY BE SEIZED AND FORFEITED IN ACCORDANCE WITH THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 1–201(a)(4).

In the introductory language of this section, the phrase “designed, used, or intended to be used to violate a provision of this article relating to the unlawful manufacture of alcoholic beverages” is added for clarity and consistency with other similar provisions of this subtitle.

In item (2) of this section, the reference to this “subtitle” is substituted for the former reference to this “article” to reflect the organization of this revised article.

Defined term: “Alcoholic beverage” § 1–101

6–103. VEHICLES, VESSELS, AND AIRCRAFT AS CONTRABAND.

A VEHICLE, A VESSEL, OR AN AIRCRAFT USED WITH THE EXPRESS OR IMPLIED KNOWLEDGE OR CONSENT OF ITS OWNER TO VIOLATE A PROVISION OF THIS ARTICLE RELATING TO THE UNLAWFUL MANUFACTURE OF ALCOHOLIC BEVERAGES OR TO TRANSPORT, STORE, OR HIDE UNLAWFUL ALCOHOLIC BEVERAGES:

(1) IS CONTRABAND; AND

(2) MAY BE SEIZED BY THE COMPTROLLER OR THE COMPTROLLER'S AUTHORIZED ENFORCEMENT OFFICERS AND FORFEITED IN ACCORDANCE WITH THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1–201(a)(5).

In the introductory language of this section, the former reference to “permission” is deleted in light of the reference to “consent”.

Also in the introductory language of this section, the former reference to “lawful” owner is deleted as surplusage.

In item (2) of this section, the reference to this “subtitle” is substituted for the former reference to this “article” to reflect the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

6–104. PROTEST OF SEIZURE.

A LIENHOLDER, OR OTHER PERSON SHOWING A LEGAL RIGHT, TITLE, OR INTEREST IN SEIZED PROPERTY NOT DESTROYED IN ACCORDANCE WITH THIS SUBTITLE, MAY FILE A PROTEST WITH THE COMPTROLLER:

(1) WITHIN 30 DAYS AFTER SEIZURE OF THE PROPERTY; OR

(2) IF THE SEIZED PROPERTY IS A VEHICLE, A VESSEL, OR AN AIRCRAFT, WITHIN 30 DAYS AFTER THE PUBLICATION OF NOTICE REQUIRED UNDER § 6–101(C) OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 1–201(f)(4).

In the introductory language of this section, the reference to this “subtitle” is substituted for the former reference to this “section” to reflect the organization of this revised article.

Also in the introductory language of this section, the reference to a “protest” is substituted for the former reference to a “claim protesting the seizure” for brevity.

Also in the introductory language of this section, the former reference to “lawful” lienholder is deleted as surplusage.

In item (2) of this section, the reference to notice “required under § 6–101(c) of this subtitle” is added for clarity.

Defined terms: “Comptroller” § 1–101
“Person” § 1–101

6–105. DETERMINATION OF FORFEITURE WHEN PROTEST IS FILED.

(A) IN REM PROCEEDING.

WHEN A PROTEST IS FILED, THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROPERTY WAS SEIZED SHALL CONDUCT AN IN REM PROCEEDING TO DETERMINE WHETHER THE PROPERTY IS SUBJECT TO FORFEITURE.

(B) KNOWLEDGE OF LIENHOLDERS.

(1) IF THE COURT DETERMINES THAT THE PROPERTY IS SUBJECT TO FORFEITURE, THE COURT SHALL DETERMINE WHETHER ANY LIENHOLDER FILING A TIMELY PROTEST HAD KNOWLEDGE OF THE INTENDED UNLAWFUL USE.

(2) IF THE COURT DETERMINES THAT A LIENHOLDER HAD KNOWLEDGE, THE LIENHOLDER'S RIGHT, TITLE, AND INTEREST TO THE PROPERTY IS FORFEITED.

(3) IF THE COURT DOES NOT DETERMINE THAT A LIENHOLDER HAD KNOWLEDGE, BUT THE PROPERTY IS OTHERWISE SUBJECT TO FORFEITURE:

(I) THE PROPERTY SHALL BE FORFEITED; AND

(II) THE COMPTROLLER, AS THE COMPTROLLER CONSIDERS IN THE BEST INTEREST OF THE STATE, MAY:

1. PAY THE OUTSTANDING INDEBTEDNESS SECURED BY THE LIEN AND KEEP THE PROPERTY; OR

2. DELIVER THE PROPERTY TO THE LIENHOLDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1-201(f)(5) and the second sentence of (4).

In subsections (a) and (b)(1) of this section, the former references to a "claim" are deleted as included in the references to a "protest".

In subsection (a) of this section, the requirement that the court determine "whether the property is subject to forfeiture" is substituted for the former requirement that the court determine "the question of forfeiture" to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former requirement that the court "hear" a question is deleted as included in the reference to "determine".

In subsection (b)(1) of this section, the former reference to a "lawful" lienholder is deleted as surplusage. Similarly, in subsection (b)(3)(ii)1, the former reference to a "lawful" lien is deleted.

Defined terms: "Comptroller" § 1-101

"County" § 1-101

"State" § 1-101

6-106. OWNERSHIP AND DISPOSAL OF SEIZED AND FORFEITED PROPERTY.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, PROPERTY SEIZED AND FORFEITED UNDER THIS SUBTITLE OR PROVISIONS OF THE TAX – GENERAL ARTICLE RELATING TO THE ALCOHOLIC BEVERAGE TAX BECOMES THE PROPERTY OF THE COUNTY IN WHICH IT WAS SEIZED.

(B) PROPERTY SEIZED BY STATE OFFICERS AND FORFEITED.

PROPERTY SEIZED BY STATE OFFICERS AND FORFEITED BECOMES STATE PROPERTY.

(C) FORFEITED ALCOHOLIC BEVERAGES PROPERTY OF LIQUOR CONTROL BOARD.

(1) LAWFULLY MANUFACTURED ALCOHOLIC BEVERAGES FORFEITED TO A COUNTY IN WHICH THERE IS A LIQUOR CONTROL BOARD THAT OPERATES DISPENSARIES:

(I) BECOME THE PROPERTY OF THE LIQUOR CONTROL BOARD;
AND

(II) SHALL BE SOLD BY THE DISPENSARIES OF THE LIQUOR CONTROL BOARD.

(2) PROCEEDS FROM THE SALES SHALL BE TREATED IN THE SAME WAY AS PROCEEDS FROM ORDINARY SALES MADE BY THE DISPENSARIES.

REVISOR'S NOTE: This section is new language derived without substantive change from the first, third, and fourth sentences of former Art. 2B, § 1-201(f)(6).

In subsection (a) of this section, the reference to this “subtitle” is substituted for the former reference to this “article” to reflect the organization of this revised article.

Also in subsection (a) of this section, the former reference to “Baltimore City” is deleted as included in the defined term “county”.

In subsection (b) of this section, the reference to property being “forfeited” is added for clarity and to conform to the terminology used in subsection (a) of this section.

In the introductory language of subsection (c)(1) of this section, the reference to a liquor control board “that operates dispensaries” is added for clarity.

In subsection (c)(1)(ii) of this section, the reference to dispensaries “of the liquor control board” is substituted for the former reference to dispensaries “in those counties” for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether subsection (a) of this section, which provides that seized and forfeited property becomes the property of the “county” in which it was seized and forfeited, applies to the City of Annapolis. Like counties, the City of Annapolis enjoys independent authority to regulate alcoholic beverages within its borders, as the Board of License Commissioners for Anne Arundel County does not have jurisdiction in the City. *See* §§ 10–201 and 10–202 of this article. Similarly, it is unclear how § 6–107 of this subtitle relating to retention or disposal of seized and forfeited property applies to the City. The General Assembly may wish to clarify whether the City of Annapolis should be considered a county for purposes of these sections.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 1–101

“State” § 1–101

6–107. DISPOSAL OF FORFEITED PROPERTY.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, FORFEITED PROPERTY SHALL BE RETAINED FOR OFFICIAL USE, SOLD, OR OTHERWISE DISPOSED OF BY:

(1) THE COMPTROLLER, IF THE PROPERTY WAS SEIZED BY STATE OFFICERS; OR

(2) IF THE PROPERTY WAS NOT SEIZED BY STATE OFFICERS:

(I) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY; OR

(II) THE BOARD OF COUNTY COMMISSIONERS OR THE COUNTY COUNCIL OF THE COUNTY IN WHICH THE PROPERTY WAS SEIZED.

(B) RETENTION OR DISPOSAL OF PROPERTY IN BEST PUBLIC INTEREST.

THE COMPTROLLER, THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY, OR THE BOARD OF COUNTY COMMISSIONERS OR COUNTY COUNCIL IN THE COUNTY WHERE THE PROPERTY WAS SEIZED SHALL RETAIN OR DISPOSE OF THE PROPERTY IN THE WAY IT CONSIDERS TO BE IN THE BEST PUBLIC INTEREST.

(C) ILLICIT ALCOHOLIC BEVERAGES TO BE DESTROYED.

ILLICIT ALCOHOLIC BEVERAGES SHALL BE DESTROYED AND MAY NOT BE RETURNED OR GIVEN TO ANY PERSON OR DISPOSED OF IN ANY OTHER MANNER.

REVISOR'S NOTE: This section is new language derived without substantive change from the second and fifth sentences of former Art. 2B, § 1–201(f)(6).

In subsection (a)(1) of this section, the phrase “if the property was seized by State officers” is added for clarity. Similarly, in the introductory language of subsection (a)(2) of this section, the phrase “if the property was not seized by State officers” is added.

In subsections (a)(2)(i) and (b) of this subsection, the references to the Mayor “and City Council” of Baltimore City are added for accuracy.

In subsection (a)(2)(ii) of this section, the reference to the “county in which the property was seized” is substituted for the former reference to the “respective counties” for clarity.

Defined terms: “Comptroller” § 1–101

“County” § 1–101

“Illicit alcoholic beverage” § 1–101

“Person” § 1–101

“State” § 1–101

6–108. UNLAWFUL DISTILLERIES.

(A) SEIZED ITEMS TO BE DESTROYED.

AN OFFICER SEIZING THE FOLLOWING ITEMS SHALL, ONLY TO THE EXTENT NECESSARY, IMMEDIATELY MAKE THEM UNFIT FOR UNLAWFUL USE:

(1) AN UNLICENSED DISTILLERY OR UNLAWFUL DISTILLERY MATERIALS, EQUIPMENT, OR DEVICES THAT ARE SEIZED IN A MANNER THAT RENDERS THEM IMPRACTICAL OR IMPOSSIBLE TO MOVE TO A SAFE PLACE OF CUSTODY AND STORAGE; AND

(2) ILLICIT ALCOHOLIC BEVERAGES OTHER THAN THOSE SEIZED FOR EVIDENCE OR FORFEITURE.

(B) REPORT TO FIELD ENFORCEMENT DIVISION.

THE OFFICER SHALL REPORT THE SEIZURE AND DESTRUCTION CONDUCTED UNDER THIS SECTION TO THE FIELD ENFORCEMENT DIVISION OF THE COMPTROLLER'S OFFICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1-201(f)(7).

In the introductory language of subsection (a) of this section, the requirement that the officer seizing items shall "immediately make them unfit for unlawful use" is substituted for the former requirement that the officer shall "forthwith destroy them ... to render them unfit for further unlawful use" for brevity.

In subsection (b) of this section, the reference to the "Field Enforcement Division" is substituted for the former obsolete reference to the "Alcohol and Tobacco Tax Bureau".

Defined terms: "Comptroller" § 1-101
"Illicit alcoholic beverage" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE

Under former Art. 2B, § 1-201, "confiscate" and "seize" (and their variants) appear to mean the same thing. Consequently, in this subtitle, the word "seize" (and its variants) is substituted for the former word "confiscate" (and its variants).

SUBTITLE 2. ENFORCEMENT.

6-201. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR'S NOTE: This section is new language added to clarify that this subtitle prevails unless it conflicts with other provisions in Division II of this article.

6-202. INSPECTIONS.

(A) IN GENERAL.

A BUILDING, VEHICLE, OR PREMISES WHERE ALCOHOLIC BEVERAGES ARE AUTHORIZED TO BE KEPT, TRANSPORTED, MANUFACTURED, OR SOLD UNDER A LICENSE OR PERMIT MAY BE INSPECTED AND SEARCHED, WITHOUT A WARRANT, BY:

(1) THE COMPTROLLER OR AN AUTHORIZED DEPUTY, INSPECTOR, OR CLERK OF THE COMPTROLLER;

(2) THE LOCAL LICENSING BOARD OF THE COUNTY OR CITY WHERE THE PLACE OF BUSINESS IS LOCATED OR AN AUTHORIZED AGENT OR EMPLOYEE OF THE LOCAL LICENSING BOARD; AND

(3) A PEACE OFFICER OF THE COUNTY OR CITY WHERE THE PLACE OF BUSINESS IS LOCATED.

(B) ADMISSIBILITY OF EVIDENCE.

EVIDENCE DISCOVERED DURING AN INSPECTION OR SEARCH IS ADMISSIBLE IN A PROSECUTION FOR THE VIOLATION OF A PUBLIC GENERAL OR PUBLIC LOCAL LAW AND IN A HEARING FOR THE REVOCATION, SUSPENSION, OR RESTRICTION OF THE LICENSE OR PERMIT.

(C) RETURN OF ALCOHOLIC BEVERAGES.

(1) IF THE LICENSE HOLDER OR PERMIT HOLDER IS FOUND NOT GUILTY, ALCOHOLIC BEVERAGES TAKEN AS EVIDENCE SHALL BE RETURNED TO THE LICENSE HOLDER OR PERMIT HOLDER.

(2) IF A LICENSE OR PERMIT HOLDER IS FOUND GUILTY, ALCOHOLIC BEVERAGES TAKEN AS EVIDENCE SHALL BE:

(I) SOLD TO OTHER LICENSE HOLDERS;

(II) TURNED OVER TO STATE INSTITUTIONS FOR MEDICINAL USE; OR

(III) DESTROYED.

(3) PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES TAKEN AS EVIDENCE SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE OR JURISDICTION, AS APPROPRIATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–405.

In subsection (a) of this section and throughout this subtitle, the defined term “local licensing board” is substituted for the former references to “board of license commissioners” to conform with the terminology used in this article.

Also in subsection (a) of this section, the former phrase “at all hours” is deleted as surplusage.

In subsection (b) of this section, the reference to a “search” is added for clarity.

Also in subsection (b) of this section, the reference to a “public general or public local law” is substituted for the former reference to “this or any other article” for clarity.

In subsection (c)(1) of this section, the reference to “found” is substituted for the former reference to “adjudged” for clarity.

In subsection (c)(3) of this section, the reference to “[p]roceeds” is substituted for the former reference to “[r]eceipts” to conform to the terminology used throughout this title.

Also in subsection (c)(3) of this section, the reference to a “jurisdiction” is substituted for the former reference to a “county or Baltimore City as the case may be” to clarify that the subsection applies to all jurisdictions, including the City of Annapolis.

Also in subsection (c)(3) of this section, the former reference to the general fund “account” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (a) of this section, which authorizes searches, without a warrant, of premises where alcoholic beverages are authorized to be kept, may violate the Fourth Amendment of the United States Constitution because it lacks adequate standards for a warrantless search. *See Colonnade v. U.S.*, 397 U.S. 72 (1970).

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“County” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

6–203. USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES.

TO PREVENT AND DETECT FRAUD BY MANUFACTURERS, WHOLESALERS, AND RETAIL DEALERS, THE COMPTROLLER, THE LOCAL LICENSING BOARD, AND AN AUTHORIZED DEPUTY OR INSPECTOR OF THE COMPTROLLER OR THE LOCAL LICENSING BOARD:

(1) MAY USE HYDROMETERS, SACCHAROMETERS, WEIGHING AND GAUGING INSTRUMENTS, OR OTHER MEANS, RECORDS, OR DEVICES TO ASCERTAIN THE QUANTITY OR QUALITY OF ALCOHOL IN AN ALCOHOLIC BEVERAGE AS THEY CONSIDER NECESSARY; AND

(2) MAY ADOPT RULES AND REGULATIONS TO ESTABLISH A UNIFORM SYSTEM OF INSPECTION, MARKING, AND GAUGING OF ALCOHOLIC BEVERAGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–113(a).

In item (2) of this section, the former reference to a “correct” system of inspection is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Local licensing board” § 1–101

“Retail dealer” § 1–101

“Wholesaler” § 1–101

6–204. POWER TO SUMMON WITNESSES.

(A) AUTHORIZED.

FOR A HEARING OR INQUIRY THAT THE COMPTROLLER OR A LOCAL LICENSING BOARD MAY HOLD OR MAKE, THE COMPTROLLER OR A LOCAL LICENSING BOARD MAY ISSUE SUMMONSES FOR WITNESSES AND ADMINISTER OATHS OR AFFIRMATIONS TO THE WITNESSES.

(B) SUMMONS SERVED BY SHERIFF.

A SUMMONS SHALL BE SERVED BY THE SHERIFF.

(C) FAILURE TO OBEY SUMMONS.

(1) THE OFFICIAL ISSUING A SUMMONS MAY PETITION THE CIRCUIT COURT IF A WITNESS SUMMONED NEGLECTS OR REFUSES TO ATTEND A HEARING OR INQUIRY FOR WHICH THE WITNESS WAS SUMMONED OR REFUSES TO TESTIFY.

(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE WITNESS HAD BEEN SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT AND HAD NEGLECTED OR REFUSED TO DO SO.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(a)(2) and (b)(1), (2)(ii), and, as it related to summonses being served by the sheriff, the introductory language of (2)(i).

In subsection (a) of this section, the references to “the Comptroller or a local licensing board” are substituted for former references to the defined term “Board” for clarity.

In subsection (c)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the facts” for clarity.

In subsection (c)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Former Art. 2B, § 16–410(a)(1), which was the standard introduction to a definition section, is deleted because no terms are defined in this section.

Former Art. 2B, § 16–410(a)(3), which defined “county” to mean any county and Baltimore City, is deleted as unnecessary because “county” is defined in § 1–101 of this article.

Defined terms: “Comptroller” § 1–101

“Local licensing board” § 1–101

6–205. PEACE OFFICERS.

(A) DUTY TO ENFORCE AND PROSECUTE.

THE STATE’S ATTORNEYS, SHERIFFS, BAILIFFS, POLICE, AND OTHER PROSECUTING AND PEACE OFFICERS SHALL:

(1) ENFORCE THIS ARTICLE; AND

(2) PROSECUTE A PERSON CHARGED WITH VIOLATING THIS ARTICLE.

(B) DUTIES NOT ABROGATED BY POWERS OR DUTIES CONFERRED ON STATE OFFICIALS.

THE POWERS AND DUTIES CONFERRED ON THE COMPTROLLER OR OTHER STATE OFFICIAL BY THIS ARTICLE DO NOT RELIEVE LOCAL OFFICIALS FROM THE DUTY OF ENFORCEMENT OR PROSECUTION.

(C) NO RESTRICTION ON APPROPRIATION OF FUNDS.

THIS SECTION DOES NOT RESTRICT THE APPROPRIATION OF FUNDS BY A POLITICAL SUBDIVISION OF THE STATE TO AID ENFORCEMENT OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first through third sentences of former Art. 2B, § 16–401.

In the introductory language of subsection (a) of this section, the former reference to “the duty of the various” State’s Attorneys is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former reference to “constables” is deleted as included in the reference to “other prosecuting and peace officers”.

Also in the introductory language of subsection (a) of this section, the former reference to peace officers “of every sort” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to a person “charged with violating this article” is substituted for the former reference to a person “charged with violation of the provisions thereof” for conformity with the terminology used throughout this article and modern drafting conventions.

Defined terms: “Comptroller” § 1–101

“Person” § 1–101

“State” § 1–101

6–206. CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE.

(A) KIND OF ALCOHOLIC BEVERAGE NOT REQUIRED IN DOCUMENT.

A CHARGING DOCUMENT MAY CHARGE AN UNLAWFUL SALE OR DISPOSITION OF AN ALCOHOLIC BEVERAGE WITHOUT STATING THE PARTICULAR KIND OF ALCOHOLIC BEVERAGE.

(B) STATE’S ATTORNEY TO PROVIDE INFORMATION.

ON APPLICATION BY THE DEFENDANT BEFORE TRIAL, THE STATE’S ATTORNEY SHALL GIVE TO THE DEFENDANT A STATEMENT OF THE PARTICULAR KIND OF ALCOHOLIC BEVERAGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–509.

Defined term: “Alcoholic beverage” § 1–101

6-207. DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE.

IN A PROSECUTION FOR SELLING ALCOHOLIC BEVERAGES WITHOUT AN APPROPRIATE LICENSE, PROOF THAT THE DEFENDANT DISPLAYED OR OFFERED ALCOHOLIC BEVERAGES FOR SALE, OR KEPT A PLACE OF BUSINESS WHERE ALCOHOLIC BEVERAGES WERE DISPLAYED OR OFFERED FOR SALE, IS PRIMA FACIE EVIDENCE THAT THE DEFENDANT SOLD ALCOHOLIC BEVERAGES.

REVISOR'S NOTE: This section formerly was Art. 2B, § 16-406.

The only changes are in style.

Defined terms: "Alcoholic beverage" § 1-101
"License" § 1-101

6-208. REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES.

THE GOVERNING BODY OF A MUNICIPALITY MAY ADOPT AN ORDINANCE OR A RESOLUTION TO REGULATE THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN A PARKING LOT, COMMON AREA, OR GENERAL COMMON ELEMENT IN:

- (1) A LEASED RESIDENTIAL PROPERTY, INCLUDING ATTACHED SINGLE-FAMILY HOMES OR A MULTIFAMILY DWELLING UNIT;
- (2) A CONDOMINIUM; OR
- (3) A HOMEOWNERS ASSOCIATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-104.

The former defined term "public place" is deleted following the stylistic convention of this revised article that favors the incorporation of the meaning of a defined term into the substantive part of a provision if the term is used only once.

In the introductory language of this section, the former phrase "[i]n addition to other powers granted under this title" is deleted as surplusage.

Defined term: "Alcoholic beverage" § 1-101

6-209. ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION.

A LOCAL GOVERNMENTAL ENTITY THAT OWNS OR OTHERWISE HAS JURISDICTION OVER PUBLIC PROPERTY MAY ADOPT BY LOCAL LAW OR ORDINANCE STANDARDS PROVIDING FOR THE AUTHORIZATION OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, OTHERWISE PROHIBITED BY THIS SUBTITLE, AND CONSISTENT WITH THE INTENDED USE OF THE PROPERTY BY THE PUBLIC.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–203.

The reference to “the consumption of alcoholic beverages on public property” is substituted for the former reference to “the consumption of alcoholic beverages” for clarity.

The former phrase “[a]s to public property” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

6–210. STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS.

(A) IN GENERAL.

A POLITICAL SUBDIVISION OF THE STATE MAY NOT ADOPT AN ORDINANCE OR A RESOLUTION IDENTICAL TO OR IN ADDITION TO § 6–320 OF THIS TITLE.

(B) EFFECT OF PREEMPTION.

AN EXISTING ORDINANCE, RESOLUTION, OR OTHER LEGISLATION ADOPTED BY A POLITICAL SUBDIVISION OF THE STATE THAT IS INCONSISTENT WITH § 6–320 OF THIS TITLE IS REPEALED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–101(b).

In subsection (a) of this section, the former reference to a “county, municipality, or other” political subdivision is deleted as included in the reference to a “political subdivision”.

In subsections (a) and (b) of this section, the references to “§ 6–320” are substituted for the former references to “this section” for accuracy.

Defined term: “State” § 1–101

6–211. FINES AND FORFEITURES.

EACH FINE IMPOSED OR RECOGNIZANCE FORFEITED FOR A VIOLATION OF THIS ARTICLE IS PAYABLE TO THE COUNTY WHERE THE OFFENSE WAS COMMITTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–502(a)(2) and, except as it related to Harford County, (1).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether this section applies to the City of Annapolis. The section states that each fine imposed or recognizance forfeited for a violation of this article is payable to the “county” in which an offense was committed. Like counties, the City of Annapolis enjoys independent authority to regulate alcoholic beverages within its borders, as the Board of License Commissioners for Anne Arundel County does not have jurisdiction in the City. See §§ 10–201 and 10–202 of this article.

Defined term: “County” § 1–101

SUBTITLE 3. PROHIBITED ACTS.

PART I. SCOPE OF SUBTITLE.

6–301. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR'S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

6–302. RESERVED.

6–303. RESERVED.

PART II. PROHIBITED ACTS BY LICENSE HOLDER.

6–304. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS.

A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY NOT SELL OR PROVIDE ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(1)(i) and, as they related to selling and furnishing alcoholic beverages to an individual under the age of 21 years, (b)(1) and (c)(2).

This section is revised to combine the substantively identical prohibitions stated in former Art. 2B, § 12–108(a)(1)(i), which applied to all counties not listed in former subsection (c)(1); the first part of (c)(2), which applied to all counties listed in former subsection (c)(1); and the first part of (b)(1), which applied to Worcester County.

In this section and throughout this subtitle, the reference to an “individual” is substituted for the former reference to a “person” when the provision applies only to human beings.

The former phrase “at any time” is deleted as surplusage.

The former references to an individual under the age of 21 years obtaining alcoholic beverages “either for his own use or for the use of any other person”, “for the underage person’s own use or for the use of any other person”, and “either for that person’s own use or for the use of any other person” are deleted as surplusage.

Former Art. 2B, § 12–108(c)(1), which stated that the provisions of former Art. 2B, § 12–108(c) applied only in certain counties, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 12–108(c)(5), which stated that the provisions of former Art. 2B, § 12–108(a) did not apply in certain counties but § 12–108(a)(3)(iii) applied throughout the State, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

6–305. PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES.

A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY ACCEPT AS PROOF OF AN INDIVIDUAL’S AGE:

(1) IF THE INDIVIDUAL IS A RESIDENT OF THE STATE, THE INDIVIDUAL’S DRIVER’S LICENSE OR IDENTIFICATION CARD AS PROVIDED FOR IN THE MARYLAND VEHICLE LAW; OR

(2) A UNITED STATES MILITARY IDENTIFICATION CARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(3)(iii).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that, in this section, the reference to “United States military” does not include the Coast Guard. A substitute reference to “United States uniformed services” would include the Coast Guard.

The Alcoholic Beverages Article Review Committee also notes, for consideration by the General Assembly, that this section does not provide for acceptable forms of identification for a nonresident of the State who does not have a military identification card or for other acceptable forms of identification for a State resident who does not have a driver's license or identification card issued by the Motor Vehicle Administration.

Defined terms: “License holder” § 1–101

“State” § 1–101

6–306. DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL.

THE ESTABLISHMENT OF THE FOLLOWING FACTS BY A SELLER OF ALCOHOLIC BEVERAGES TO AN UNDERAGE INDIVIDUAL IS PRIMA FACIE EVIDENCE OF INNOCENCE AND A DEFENSE TO A PROSECUTION FOR SERVING ALCOHOLIC BEVERAGES TO AN UNDERAGE INDIVIDUAL:

(1) THE PURCHASER FALSELY REPRESENTED IN WRITING AND SUPPORTED WITH OTHER DOCUMENTARY EVIDENCE THAT THE PURCHASER WAS OF LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES;

(2) ON THE BASIS OF THE APPEARANCE OF THE PURCHASER, AN ORDINARY AND PRUDENT INDIVIDUAL WOULD BELIEVE THE PURCHASER TO BE OF LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES; AND

(3) THE SALE WAS MADE IN GOOD FAITH AND IN RELIANCE ON THE WRITTEN REPRESENTATION AND APPEARANCE OF THE PURCHASER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–109(2).

In the introductory language of this section, the reference to an “underage individual” is substituted for the former reference to a “person not of legal age”.

Also in the introductory language of this section, the reference to a “prosecution for serving alcoholic beverages to an underage individual” is substituted for the former reference to a “prosecution therefor” for clarity.

In item (3) of this section, the former reference to the written representation and appearance of the purchaser “in the belief that the purchaser was of legal age to purchase alcoholic beverages” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

6–307. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL.

A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY NOT SELL OR PROVIDE ALCOHOLIC BEVERAGES TO AN INDIVIDUAL WHO, AT THE TIME OF THE SALE OR DELIVERY, IS VISIBLY UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(1)(ii) and, as they related to selling and furnishing alcoholic beverages to an intoxicated individual, (b)(1) and (c)(2).

This section is revised to combine the substantively identical prohibitions stated in former Art. 2B, § 12–108(a)(1)(ii), which applied to all counties not listed in former subsection (c)(1); the second part of (c)(2), which applied to all counties listed in former subsection (c)(1); and the second part of (b)(1), which applied to Worcester County.

The former phrase “at any time” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

6–308. ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A CLASS 4 LIMITED WINERY THAT BRINGS WINE OR POMACE BRANDY MANUFACTURED ON ITS LICENSED PREMISES ONTO A RETAIL LICENSED PREMISES IF:

(1) THE WINE OR POMACE BRANDY IS BEING PROVIDED FOR A PROMOTIONAL ACTIVITY CONDUCTED BY THE LIMITED WINERY, A RETAIL

LICENSE HOLDER, AN ALCOHOLIC BEVERAGES TRADE ASSOCIATION, OR A NONPROFIT ORGANIZATION;

(2) A REPRESENTATIVE OF THE LIMITED WINERY OR A TRADE ASSOCIATION REPRESENTING MARYLAND WINERIES IS PRESENT AT ALL TIMES DURING THE PROMOTIONAL ACTIVITY;

(3) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION COMPLIES WITH ANY REGULATIONS THAT THE COMPTROLLER ADOPTS RELATING TO ON-PREMISES PROMOTIONS AND PRODUCT SAMPLING;

(4) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION HAS ADVANCE WRITTEN PERMISSION OF THE RETAIL LICENSE HOLDER TO BRING WINE PRODUCTS ON THE RETAIL LICENSED PREMISES FOR THE PROMOTIONAL ACTIVITY; AND

(5) ALL UNOPENED OR PARTIALLY CONSUMED CONTAINERS OF WINE AND POMACE BRANDY ARE REMOVED FROM THE RETAIL LICENSED PREMISES AT THE END OF THE PROMOTIONAL ACTIVITY.

(B) PROHIBITED.

A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CONSUME ON THE LICENSED PREMISES AN ALCOHOLIC BEVERAGE THAT IS:

(1) NOT PURCHASED ON THE PREMISES FROM THE LICENSE HOLDER;
AND

(2) NOT OTHERWISE ALLOWED BY THIS ARTICLE TO BE CONSUMED ON THE PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(6) and the second clause of (2).

In subsection (a)(1) of this section, the reference to "wine or pomace brandy" is substituted for the former reference to "product" for clarity.

Also in subsection (a)(1) of this section, the former reference to a "bona fide" promotional activity is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to the "period of" the promotional activity is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to “rules” is deleted in light of the reference to “regulations”. *See* General Revisor’s Note to article.

In the introductory language of subsection (b) of this section, the reference to “consume” is substituted for the former reference to “drink” to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the word “otherwise” is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“License holder” § 1–101

“Pomace brandy” § 1–101

“Wine” § 1–101

6–309. ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS.

(A) PROHIBITED.

A LICENSE HOLDER, A PROPRIETOR, OR AN OPERATOR OF AN ESTABLISHMENT THAT PROVIDES ALCOHOLIC BEVERAGES MAY NOT ALLOW ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS, REGARDLESS OF WHO PURCHASED OR OBTAINED THE ALCOHOLIC BEVERAGES.

(B) PENALTY.

IN ADDITION TO ANY OTHER PENALTY UNDER THIS ARTICLE, A LICENSE HOLDER, A PROPRIETOR, OR AN OPERATOR WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(d).

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

6–310. PROVIDING FREE FOOD.

(A) PROHIBITED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY NOT DIRECTLY OR INDIRECTLY GIVE OR OFFER WITHOUT

CHARGE FOOD TO A CUSTOMER TO INDUCE THE CUSTOMER TO PURCHASE ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.

(2) THIS SECTION DOES NOT APPLY TO HORS D'OEUVRES, PRETZELS, CHEESE, OR CRACKERS THAT ARE PLACED ON A COUNTER IN THE LICENSED PREMISES FOR CUSTOMERS TO CONSUME WITHOUT CHARGE.

(B) EVIDENCE OF VIOLATION.

THE PLACEMENT OF FOOD BY A LICENSE HOLDER IN THE LICENSED PREMISES FOR CUSTOMERS TO CONSUME WITHOUT CHARGE IS PRIMA FACIE EVIDENCE OF A VIOLATION OF THIS SECTION.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10 FOR EACH OFFENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-106.

In subsection (a)(1) of this section, the reference to giving or offering "without charge" is added for clarity.

Also in subsection (a)(1) of this section, the defined term "license holder" is substituted for the former reference to "[a]ny person engaged in the sale or barter of spirituous, malt or intoxicating liquors, and licensed under the laws of Maryland, to engage in such sale or barter" for brevity.

Also in subsection (a)(1) of this section, the reference to "a customer" is substituted for the former reference to "anyone visiting the premises of such licensed person" for brevity.

Also in subsection (a)(1) of this section, the reference to a "licensed premises" is substituted for the former reference to the "premises of such licensed person, where spirituous, malt or intoxicating liquors of any kind are sold or bartered, or offered for sale or barter" for brevity.

Also in subsection (a)(1) of this section, the reference to the "customer" is substituted for the former reference to the "person to whom the same may be offered" for brevity.

Also in subsection (a)(1) of this section, the defined term "alcoholic beverage[s]" is substituted for the former reference to "spirituous, malt or intoxicating liquor" for clarity.

Also in subsection (a)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsections (a)(2) and (b) of this section, the references to “consume” are substituted for the former references to “use” for consistency with terminology used throughout this article.

In subsection (a)(2) of this section, the reference to customers “of such licensed person” is deleted as surplusage.

Also in subsection (a)(2) of this section, the reference to “food” is substituted for the former reference to “any viands, food or lunch of any character” for brevity. Similarly, in subsection (b) of this section, the reference to “food” is substituted for the former reference to “any viands, food or lunch”.

In subsection (b) of this section, the former phrase “other than hereinbefore excepted” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Person” § 1–101

6–311. RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS E, CLASS F, OR CLASS G LICENSE.

(B) PROHIBITED.

A RETAIL DEALER MAY NOT:

(1) PURCHASE ANY ALCOHOLIC BEVERAGE EXCEPT FROM A LICENSED MANUFACTURER OR WHOLESALER, PRIVATE BULK SALE PERMIT HOLDER, OR NONRESIDENT WINERY PERMIT HOLDER;

(2) SELL ANY ALCOHOLIC BEVERAGE TO ANY OTHER RETAIL DEALER EXCEPT THE HOLDER OF A CLASS C BEER, BEER AND WINE, OR BEER, WINE, AND LIQUOR LICENSE; OR

(3) KEEP OR ALLOW TO BE KEPT ANY ALCOHOLIC BEVERAGE ON THE LICENSED PREMISES EXCEPT THOSE THAT HAVE BEEN PURCHASED BY THE RETAIL DEALER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–107(a).

In subsection (b)(1) of this section, the former reference to “duly” licensed is deleted as surplusage.

Also in subsection (b)(1) of this section, the former phrase “under the provisions of this article” is deleted as surplusage.

In subsection (b)(3) of this section, the reference to alcoholic beverages “that have been purchased by the retail dealer” is substituted for the former reference to alcoholic beverages “so purchased” for clarity.

Also in subsection (b)(3) of this section, the former phrase “at any time” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Retail dealer” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

6–312. BEVERAGE MISREPRESENTATION.

(A) PROHIBITED.

(1) A PERSON MAY NOT MANUFACTURE, SELL, OR OFFER FOR SALE, OR ORDER OR ALLOW AN EMPLOYEE OR OTHER PERSON TO SELL OR OFFER FOR SALE, A BEVERAGE AS MALT EXTRACT OR BEER UNLESS THE BEVERAGE HAS BEEN BREWED AND FERMENTED AS SUCH.

(2) A PERSON MAY NOT SELL OR OFFER FOR SALE, OR ORDER OR ALLOW AN EMPLOYEE OR OTHER PERSON TO SELL OR OFFER FOR SALE:

(I) BEER TO WHICH COLORING OR PORTERINE HAS BEEN ADDED SO AS TO REPRESENT THE BEER TO BE MALT EXTRACT, PORTER, OR ANOTHER BEVERAGE; OR

(II) A MALT OR LIQUOR UNLESS THE MALT OR LIQUOR IS IDENTIFIED BY ITS PROPER NAME.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 22–101.

In subsection (a)(1) of this section, the former reference to sales “either at wholesale or retail” is deleted as surplusage.

In subsection (a)(2)(i) of this section, the former reference to coloring “matter” is deleted as surplusage.

In subsection (a)(2)(ii) of this section, the phrase “unless the malt or liquor is identified” is substituted for the former phrase “other than” for clarity.

Defined terms: “Beer” § 1–101

“Person” § 1–101

6–313. TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER.

(A) PROHIBITED.

(1) A RETAIL DEALER OR AN AGENT OR EMPLOYEE OF A RETAIL DEALER MAY NOT:

(I) TAMPER WITH OR CHANGE THE QUANTITY OR QUALITY OF THE CONTENTS OF A CONTAINER OF AN ALCOHOLIC BEVERAGE:

1. AFTER THE CONTAINER HAS BEEN LAWFULLY SEALED; AND

2. WHILE THE CONTENTS REMAIN IN THE CONTAINER;
OR

(II) EXCEPT AS SPECIFICALLY AUTHORIZED BY THIS ARTICLE WITH RESPECT TO REFILLABLE BEER AND WINE CONTAINERS, REFILL A CONTAINER OF AN ALCOHOLIC BEVERAGE WITH A SUBSTANCE AFTER THE CONTAINER HAS BEEN EMPTIED OF ITS ORIGINAL CONTENTS.

(2) A RETAIL DEALER MAY NOT POSSESS A CONTAINER OF AN ALCOHOLIC BEVERAGE THAT HAS BEEN TAMPERED WITH OR REFILLED IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–113(b), (c), (d), and (e).

In the introductory language of subsection (a)(1)(i) of this section, the former phrase “in any manner” is deleted as surplusage.

Also in the introductory language of subsection (a)(1)(i) of this section, the former phrase “by the addition to” is deleted as included in the reference to “change”.

In subsection (a)(1)(i)1 of this section, the reference to “lawfully sealed” is substituted for the former reference to “sealed in accordance with the laws of the United States and/or the laws of the State of Maryland” for brevity.

In subsection (a)(1)(ii) of this section, the former reference to the “original” container is deleted as surplusage.

In subsection (a)(2) of this section, the former references to “containers” are deleted in light of the reference to “container” and GP § 1–202, which provides that the singular generally includes the plural.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

“Wine” § 1–101

6–314. SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB.

(A) PROHIBITED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT SELL OR OFFER FOR SALE AT RETAIL AN ALCOHOLIC BEVERAGE CONTAINER THAT IS:

(I) MADE FROM METAL OR A COMPOSITE MATERIAL; AND

(II) DESIGNED AND CONSTRUCTED WITH AN ALL–METAL TAB OPENING DEVICE THAT DETACHES FROM THE CONTAINER WHEN THE CONTAINER IS

OPENED IN A MANNER THAT IS NORMALLY USED TO EMPTY THE CONTENTS OF THE CONTAINER.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO:

(I) A BEVERAGE CONTAINER SEALED WITH A LAMINATED TAPE SEAL, INCLUDING ONE WITH ALUMINUM FOIL, THAT IS NOT RIGID;

(II) AN ALL-METAL CONTAINER WITH A DETACHABLE METAL PULL TAB FOR A FROZEN BEVERAGE CONCENTRATE THAT IS CUSTOMARILY AND PRIMARILY PURCHASED FOR DILUTION AND USE IN THE HOME OR A SIMILAR PURPOSE; AND

(III) A METAL BEVERAGE CONTAINER WITH A DETACHABLE METAL PULL TAB FOR A MILK-BASED, SOY-BASED, OR SIMILAR PRODUCT THAT REQUIRES STERILIZATION AND PRESSURE IN THE CANNING PROCESS.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21–102.

In the introductory language of subsection (a)(1) of this section, the former references to “beer, wine, or other” alcoholic beverage container is deleted as included in the reference to an “alcoholic beverage container”.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “in this State” is deleted as surplusage.

In subsection (a)(1)(i) of this section, the reference to a composite “material” is added for clarity.

In subsection (b) of this section, the former reference to imprisonment “in jail” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

6–315. ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN ALCOHOLIC BEVERAGE IS PRESUMED TO BE AN ILLICIT ALCOHOLIC BEVERAGE IF IT IS FOUND IN A CONTAINER THAT DOES NOT HAVE A REGULAR LABEL THAT:

(1) DESCRIBES THE TRUE CONTENTS OF THE CONTAINER; AND

(2) STATES THE TRUE NAME OF THE IMPORTER, MANUFACTURER, BOTTLER, OR RECTIFIER.

(B) EXCEPTION.

THE PRESUMPTION UNDER SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO AN ALCOHOLIC BEVERAGE FOUND IN:

(1) A DRINKING GLASS OR OTHER SIMILAR OPEN CONTAINER FOR DRINKING PURPOSES;

(2) A HOME-TYPE DECANTER FOUND IN A HOUSE OR A PUNCH BOWL OR SIMILAR RECEPTACLE IF THE CIRCUMSTANCES INDICATE THAT THE ALCOHOLIC BEVERAGE IS FOR ON-PREMISES CONSUMPTION AND IS NOT FOR SALE; OR

(3) A CONTAINER POSSESSED BY A RETAIL LICENSE HOLDER WHEN THE ALCOHOLIC BEVERAGE IS PREMIXED FOR LAWFUL SALE AND CONSUMPTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1-102(a)(11)(ii).

In subsection (a)(1) of this section, the reference to "describes the true contents of the container" is substituted for the former reference to "truly describes its contents" for clarity.

In subsection (b)(2) of this section, the former reference to "dwelling" house is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to "by consumers" is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to a "proper" retail license holder is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Illicit alcoholic beverage" § 1-101

"License holder" § 1-101

6-316. MAXIMUM ALCOHOL CONTENT.**(A) IN GENERAL.**

A PERSON MAY NOT SELL AT RETAIL AN ALCOHOLIC BEVERAGE WITH AN ALCOHOL CONTENT BY VOLUME OF **95% (190 PROOF)** OR MORE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING **\$1,000**.

REVISOR'S NOTE: This section formerly was Art. 2B, § 16-505.2.

No changes are made.

Defined terms: "Alcoholic beverage" § 1-101
"Person" § 1-101

6-317. RESERVED.**6-318. RESERVED.****PART III. PROHIBITED ACTS BY INDIVIDUAL CONSUMER.****6-319. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER.****(A) SCOPE OF SECTION.**

THIS SECTION DOES NOT APPLY TO A CLASS 4 LIMITED WINERY THAT BRINGS WINE OR POMACE BRANDY MANUFACTURED ON ITS LICENSED PREMISES ONTO A RETAIL LICENSED PREMISES IF:

(1) THE WINE OR POMACE BRANDY IS PROVIDED FOR A PROMOTIONAL ACTIVITY CONDUCTED BY THE LIMITED WINERY, A RETAIL LICENSE HOLDER, AN ALCOHOLIC BEVERAGES TRADE ASSOCIATION, OR A NONPROFIT ORGANIZATION;

(2) A REPRESENTATIVE OF THE LIMITED WINERY OR A TRADE ASSOCIATION REPRESENTING MARYLAND WINERIES IS PRESENT AT ALL TIMES DURING THE PROMOTIONAL ACTIVITY;

(3) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION COMPLIES WITH ANY REGULATIONS THAT THE COMPTROLLER ADOPTS RELATING TO ON-PREMISES PROMOTIONS AND PRODUCT SAMPLING;

(4) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION HAS ADVANCE WRITTEN PERMISSION OF THE RETAIL LICENSE HOLDER TO BRING WINE PRODUCTS ON THE RETAIL LICENSED PREMISES FOR THE PROMOTIONAL ACTIVITY; AND

(5) ALL UNOPENED OR PARTIALLY CONSUMED CONTAINERS OF WINE AND POMACE BRANDY ARE REMOVED FROM THE RETAIL LICENSED PREMISES AT THE END OF THE PROMOTIONAL ACTIVITY.

(B) PROHIBITED.

AN INDIVIDUAL MAY NOT CONSUME ON THE LICENSED PREMISES OF A LICENSE HOLDER AN ALCOHOLIC BEVERAGE THAT IS:

(1) NOT PURCHASED ON THE PREMISES FROM THE LICENSE HOLDER;
AND

(2) NOT OTHERWISE ALLOWED BY THIS ARTICLE TO BE CONSUMED ON THE PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(6) and the first clause of (2).

In subsection (a)(1) of this section, the reference to "wine or pomace brandy" is substituted for the former reference to "product" for clarity.

Also in subsection (a)(1) of this section, the former reference to a "bona fide" promotional activity is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to the "period of" the promotional activity is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to "rules" is deleted in light of the reference to "regulations". See General Revisor's Note to article.

In the introductory language of subsection (b) of this section, the reference to "consume" is substituted for the former reference to "drink" to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the word "otherwise" is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“License holder” § 1–101

“Pomace brandy” § 1–101

“Wine” § 1–101

6–320. DISORDERLY INTOXICATION.

(A) PROHIBITED.

AN INDIVIDUAL MAY NOT:

(1) BE INTOXICATED AND ENDANGER THE SAFETY OF ANOTHER INDIVIDUAL OR PROPERTY; OR

(2) BE INTOXICATED OR CONSUME AN ALCOHOLIC BEVERAGE IN A PUBLIC PLACE AND CAUSE A PUBLIC DISTURBANCE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 19–102 and 19–101(a).

In subsection (a)(2) of this section, the reference to “consume” is substituted for the former reference to “drink” to conform to the terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

6–321. CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC.

(A) “PUBLIC PROPERTY” DEFINED.

IN THIS SECTION, “PUBLIC PROPERTY” INCLUDES PROPERTY THAT IS:

(1) A STRUCTURE, ROAD, PARKING AREA, OR GROUNDS; AND

(2) LOCATED ON LAND OWNED, LEASED, OR OPERATED BY:

(I) THE STATE;

(II) A COUNTY;

(III) A MUNICIPALITY;

(IV) THE WASHINGTON SUBURBAN SANITARY COMMISSION;

(V) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION;

(VI) THE MONTGOMERY COUNTY REVENUE AUTHORITY; OR

(VII) THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(B) PROHIBITED.

(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AN INDIVIDUAL MAY NOT CONSUME AN ALCOHOLIC BEVERAGE:

(I) ON PUBLIC PROPERTY;

(II) ON THE MALL, ADJACENT PARKING AREA, OR OTHER OUTSIDE AREA OF A SHOPPING CENTER;

(III) ON AN ADJACENT PARKING AREA OR OTHER OUTSIDE AREA OF ANY OTHER RETAIL ESTABLISHMENT; AND

(IV) IN A PARKED VEHICLE LOCATED IN AN AREA DESCRIBED UNDER ITEM (I), (II), OR (III) OF THIS PARAGRAPH.

(2) AN INDIVIDUAL MAY CONSUME AN ALCOHOLIC BEVERAGE ON:

(I) PUBLIC PROPERTY IF AUTHORIZED BY THE GOVERNMENTAL ENTITY THAT HAS AUTHORITY OVER THE PROPERTY; OR

(II) PRIVATE PROPERTY DESCRIBED UNDER PARAGRAPH (1)(II) THROUGH (IV) OF THIS SUBSECTION IF AUTHORIZED BY THE OWNER OF THE PROPERTY.

(3) IF THE OWNER OR OPERATOR OF A MOTOR HOME OR CHARTERED BUS HAS CONSENTED TO THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO PASSENGERS:

(I) IN THE LIVING QUARTERS OF A MOTOR HOME EQUIPPED WITH A TOILET AND CENTRAL HEATING; OR

(II) OF A CHARTERED BUS IN TRANSIT.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 19–202, 19–201(a), and 19–204(a).

In subsection (a)(1) of this section, the reference to “a structure, road, parking area, or grounds” is substituted for the former reference to “any building, ground, park, street, highway, alley, sidewalk, station, terminal or other structure, road or parking area” for brevity.

In the introductory language of subsection (b)(1) of this section, the reference to “consume” is substituted for the former reference to “drink” to conform to the terminology used throughout this article.

Also in the introductory language of subsection (b)(1) of this section, the former phrase “as defined in this article” is deleted as unnecessary.

In subsection (b)(1)(ii) of this section, the reference to a “shopping center” is substituted for the former reference to “any combination of privately owned retail establishments, like a shopping center, where the general public is invited for business purposes” for brevity.

In subsection (c) of this section, the former phrase “[s]ubject to subsection (b) of this section”, which referred to a provision applicable only to Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 1–101

“Person” § 1–101

“State” § 1–101

6–322. POSSESSION OF OPEN CONTAINER.

(A) PROHIBITED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL MAY NOT POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER WHILE:

(I) ON THE MALL, ADJACENT PARKING AREA, OR OTHER OUTSIDE AREA OF A SHOPPING CENTER;

(II) ON AN ADJACENT PARKING AREA OR OTHER OUTSIDE AREA OF ANY OTHER RETAIL ESTABLISHMENT; OR

(III) IN A PARKED VEHICLE LOCATED IN AN AREA DESCRIBED UNDER ITEM (I) OR (II) OF THIS PARAGRAPH.

(2) AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE INDIVIDUAL IS AUTHORIZED BY THE OWNER OF THE ESTABLISHMENT.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 19–301(b) and 19–302(a).

In the introductory language of subsection (a)(1) of this section, the former phrase “as defined in this article” is deleted as unnecessary.

In subsection (a)(1)(i) of this section, the reference to a “shopping center” is substituted for the former reference to “any combination of privately owned retail establishments, commonly known as a shopping center, to which the general public is invited for business purposes” for brevity.

In subsection (b) of this section, the former phrase “[s]ubject to subsection (b) of this section”, which referred to a provision applicable only to Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 19–303(1), (3), (4), and (6) through (17), which stated that former Art. 2B, §§ 19–301 and 19–302 applied only in certain counties, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

6–323. POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE.

(A) “AWOL MACHINE” DEFINED.

IN THIS SECTION, “AWOL MACHINE” MEANS AN ALCOHOL WITHOUT LIQUID DEVICE, A VAPORTINI, OR ANY SIMILAR DEVICE THAT MIXES AN ALCOHOLIC PRODUCT WITH PURE OXYGEN OR OTHER GAS TO PRODUCE A VAPORIZED PRODUCT THAT CAN BE INHALED.

(B) PROHIBITED.

A PERSON MAY NOT:

(1) USE AN AWOL MACHINE TO INHALE ALCOHOL VAPOR OR OTHERWISE INTRODUCE ALCOHOL IN ANY FORM INTO THE HUMAN BODY; OR

(2) WITH THE INTENT TO INTRODUCE ALCOHOL INTO THE HUMAN BODY, POSSESS, PURCHASE, TRANSFER, OR OFFER FOR SALE OR USE AN AWOL MACHINE.

(C) PENALTY.

(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(2) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

REVISOR’S NOTE: This section formerly was Art. 2B, § 16–505.1.

No changes are made.

Defined term: “Person” § 1–101

6–324. RESERVED.

6–325. RESERVED.

PART IV. OTHER PROHIBITED ACTS.

6–326. UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES.

(A) PROHIBITED.

(1) A PERSON IN THE BUSINESS OF SELLING OR DISTRIBUTING ALCOHOLIC BEVERAGES IN OR FROM ANOTHER STATE MAY NOT SHIP, CAUSE TO BE SHIPPED, OR DELIVER ALCOHOLIC BEVERAGES DIRECTLY TO A RECIPIENT IN THE STATE IF THE SELLER, DISTRIBUTOR, SHIPPER, TRANSPORTER, OR RECIPIENT DOES NOT HOLD THE REQUIRED LICENSE OR PERMIT.

(2) THE PROHIBITION UNDER PARAGRAPH (1) OF THIS SUBSECTION APPLIES TO ALCOHOLIC BEVERAGES ORDERED OR PURCHASED THROUGH A COMPUTER NETWORK.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–506.1.

In subsection (a)(1) of this section, the former phrase “under this article” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

“State” § 1–101

6–327. TAX EVASION.

(A) PROHIBITED.

A PERSON MAY NOT:

(1) KNOWINGLY OR WILLFULLY POSSESS, TRANSPORT, SELL, OFFER FOR SALE, OR, ON THE PERSON'S PROPERTY, STORE OR AUTHORIZE STORAGE OF AN ALCOHOLIC BEVERAGE ON WHICH THE TAX IMPOSED BY THE TAX – GENERAL ARTICLE HAS NOT BEEN PAID;

(2) EVADE A TAX IMPOSED ON AN ALCOHOLIC BEVERAGE UNDER THE TAX – GENERAL ARTICLE;

(3) COUNTERFEIT A STAMP OR CERTIFICATE REQUIRED UNDER THIS ARTICLE OR THE TAX – GENERAL ARTICLE; OR

(4) VIOLATE A REGULATION THAT THE COMPTROLLER ADOPTS UNDER THIS ARTICLE OR THE TAX – GENERAL ARTICLE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–506.

In subsection (a)(1) and (2) of this section, the references to “the Tax – General Article” are substituted for the former references to “this article” for clarity and accuracy. Similarly, in subsection (a)(3) and (4) of this section, the references to “the Tax – General Article” are added.

In subsection (a)(1) of this section, the reference to the prohibition to “on the person’s property, store or authorize storage” is substituted for the former phrase “permit to be kept upon his premises” for clarity.

In subsection (a)(3) of this section, the former reference to “forge” is deleted as included in the reference to “counterfeit”.

In subsection (b) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

Also in subsection (b) of this section, the former reference to both “fine and imprisonment in the discretion of the court” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Person” § 1–101

6–328. DESTRUCTION OF EVIDENCE.

(A) PROHIBITED.

(1) A PERSON MAY NOT REMOVE OR DESTROY OR CAUSE TO BE REMOVED OR DESTROYED PROPERTY THAT HAS BEEN SEIZED UNDER:

(I) THIS ARTICLE; OR

(II) THE PROVISIONS OF THE TAX – GENERAL ARTICLE RELATING TO THE TAX ON ALCOHOLIC BEVERAGES.

(2) A PERSON MAY NOT PREVENT OR ATTEMPT TO PREVENT THE SEIZURE OF PROPERTY BY:

(I) POURING OUT THE CONTENTS OF THE PROPERTY;

(II) BREAKING OR DESTROYING THE PROPERTY;

(III) REMOVING THE PROPERTY FROM THE PREMISES; OR

(IV) OTHERWISE DISPOSING OF THE PROPERTY.

(B) FLUID PRESUMED TO BE ALCOHOLIC BEVERAGE.

WHEN A PREMISES, PLACE, OR THING IS BEING SEARCHED OR ABOUT TO BE SEARCHED, ANY FLUID POURED OUT OR OTHERWISE DISPOSED OF BY A PERSON IN VIOLATION OF SUBSECTION (A) OF THIS SECTION IS PRIMA FACIE EVIDENCE THAT THE FLUID IS AN ALCOHOLIC BEVERAGE AND INTENDED FOR SALE OR OTHER USE IN VIOLATION OF THIS ARTICLE OR THE TAX – GENERAL ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1–201(g).

In subsection (b) of this section, the phrase “by a person in violation of subsection (a) of this section” is added for clarity.

Also in subsection (b) of this section, the phrase “is prima facie evidence that the fluid is an alcoholic beverage” is substituted for the former phrase “shall be held prima facie to be an alcoholic beverage” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

6–329. PERJURY.

(A) PROHIBITED.

A PERSON MAY NOT MAKE A FALSE STATEMENT WHEN TAKING AN OATH OR IN ANY OF THE FOLLOWING DOCUMENTS REQUIRED UNDER THIS ARTICLE:

(1) A SIGNED STATEMENT;

(2) A REPORT; OR

(3) AN AFFIDAVIT.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF PERJURY AND ON CONVICTION IS SUBJECT TO THE PENALTY STATED UNDER § 9–101 OF THE CRIMINAL LAW ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–501.

In subsection (b) of this section, the reference to “[a] person who violates this section” is substituted for the former reference to “the offender” to conform to the terminology used in other similar provisions of this subtitle.

Also in subsection (b) of this section, the reference to the “penalty stated under § 9–101 of the Criminal Law Article” is substituted for the former reference to the “penalties provided by law for that crime” for clarity and accuracy. Currently, under § 9–101 of the Criminal Law Article, the penalty for perjury is imprisonment not exceeding 10 years.

Defined term: “Person” § 1–101

SUBTITLE 4. PENALTIES.

6–401. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR’S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

6–402. GENERAL PENALTY.

(A) IN GENERAL.

IF A PERSON VIOLATES THIS ARTICLE AND NO PENALTY OTHER THAN THE SUSPENSION OR REVOCATION OF A LICENSE OR PERMIT IS PROVIDED, THE PERSON IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(B) IMPOSITION OF PENALTY.

IF A COURT HAS IMPOSED A PENALTY ON AN INDIVIDUAL LICENSE HOLDER WHO HAS OBTAINED A LICENSE FOR OR ON BEHALF OF A CORPORATION, A PARTNERSHIP, OR AN UNINCORPORATED ASSOCIATION:

(1) IF THE PENALTY IS A FINE, THE CORPORATION, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION ALSO SHALL BE LIABLE FOR THE PAYMENT OF THE FINE; AND

(2) IF THE PENALTY IS IMPRISONMENT, THE INDIVIDUAL LICENSE HOLDER SHALL BE LIABLE TO SERVE THE TERM OF IMPRISONMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 16–503 and 16–504.

In subsection (a) of this section, the former reference to imprisonment in “the House of Correction, or jail” is deleted as unnecessary.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Person” § 1–101

GENERAL REVISOR'S NOTE TO DIVISION I

Former Art. 2B, § 12–103, which instituted a system in which the Comptroller set the maximum discounts allowable by a licensed manufacturer or wholesaler or nonresident winery permit holder in the sale and distribution of wine and liquor, is deleted as obsolete. This system required those license holders and permit holders to file schedules of prices and proposed price changes with the Comptroller. The price filing requirement was needed for the Comptroller to maintain a post–and–hold system that prescribed how and when liquor wholesalers may change their prices by requiring wholesalers to file a schedule of prices with the Comptroller by a fixed date every month. However, in 2009, the *United States Court of Appeals for the Fourth Circuit in TFWS, Inc. v. Franchot*, 572 F. 3d 186 (4th Cir. 2009) held the post–and–hold system and its accompanying volume–discount ban to be hybrid restraints on trade and per se violations of the Sherman Act. Consequently, the Comptroller has abandoned both practices.

DIVISION II. PROVISIONS AFFECTING INDIVIDUAL JURISDICTIONS.

TITLE 9. ALLEGANY COUNTY.**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.****9–101. DEFINITIONS.****(A) IN GENERAL.****IN THIS TITLE:**

(1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND

(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

(B) BOARD.

“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR ALLEGANY COUNTY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Allegany County”.

(C) CLUB.

THE BOARD SHALL DETERMINE WHETHER AN ESTABLISHMENT MEETS THE DEFINITION OF A “CLUB” UNDER § 1–101 OF THIS ARTICLE.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 1–102(a)(4)(ii).

The word “determine” is substituted for the former phrase “be the judges of” for brevity and clarity.

The former phrase “is operated in good faith” is deleted as surplusage.

Defined terms: “Board” § 9–101

“Club” § 1–101

(D) COUNTY.

“COUNTY” MEANS ALLEGANY COUNTY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Allegany County”.

(E) LIGHT WINE.

“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (b).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

9–102. SCOPE OF TITLE.

THIS TITLE APPLIES ONLY IN ALLEGANY COUNTY.

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

9–103. COPY OF LEGISLATION.

A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each

local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101
“County” § 9–101

SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.

9–201. ESTABLISHED.

THERE IS A BOARD OF LICENSE COMMISSIONERS FOR ALLEGANY COUNTY.

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Allegany County exists.

9–202. MEMBERSHIP.

(A) COMPOSITION; APPOINTMENT OF MEMBERS.

(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.

(2) THE APPOINTMENTS SHALL BE MADE:

(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR

(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.

(B) QUALIFICATIONS.

(1) EACH MEMBER OF THE BOARD SHALL BE:

(I) A RESIDENT AND VOTER OF THE COUNTY; AND

(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.

(2) TWO MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS SHALL BE MEMBERS OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GENERAL ELECTION POLLED THE HIGHEST NUMBER OF VOTES IN THE AGGREGATE FOR SEATS ON THE BOARD OF COUNTY COMMISSIONERS.

(3) ONE MEMBER OF THE BOARD OF LICENSE COMMISSIONERS SHALL BE A MEMBER OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GENERAL ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES IN THE AGGREGATE FOR SEATS ON THE BOARD OF COUNTY COMMISSIONERS.

(C) TENURE.

(1) THE TERM OF A MEMBER IS 6 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.

(D) VACANCIES.

(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(E) REMOVAL.

(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.

(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.

(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE FINDINGS OF THE GOVERNOR ON THE CHARGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (b)(2) and (3) and 15–110(a).

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to “persons who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ... County’, as the case may

be” because this title applies only to the Board of License Commissioners for Allegany County.

Also in subsection (a)(1) of this section, the former phrase “[f]or the jurisdictions in which this section is effective,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the reference to “[e]ach member of the Board” is substituted for the former reference to “[t]he commissioners” to conform to the terminology used throughout this subtitle.

In subsection (b)(1)(i) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Allegany County.

In subsection (b)(1)(ii) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” may serve as a member of a board of license commissioners.

In subsection (b)(2) and (3) of this section, the references to “seats on the Board of County Commissioners” is substituted for the former references to “the several offices of County Commissioner therein” for clarity.

In subsection (c)(2) of this section, the former reference to the requirement that the Governor “biennially” appoint persons to the Board is deleted as included in the requirement that the terms of the members of the Board be staggered as required on July 1, 2016. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Allegany County.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(b)(1), which provided that former Art. 2B, § 15–101(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101
“County” § 9–101

9–203. CHAIR.

IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Allegany County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The reference to “members” is substituted for the former reference to “appointees” to conform to the terminology used throughout this subtitle.

Defined term: “Board” § 9–101

9–204. SALARIES; STAFF; BUDGET.

(A) SALARIES.

IN ACCORDANCE WITH TITLE 28, SUBTITLE 1 OF THE LOCAL GOVERNMENT ARTICLE, THE COUNTY COMMISSIONERS SHALL SET THE ANNUAL SALARY OF THE MEMBERS OF THE BOARD.

(B) STAFF.

THE BOARD MAY:

(1) EMPLOY:

(I) A SECRETARY;

(II) INSPECTORS; AND

(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND

(2) SET THE COMPENSATION OF THE EMPLOYEES, SUBJECT TO SUBSECTION (C)(3) OF THIS SECTION.

(C) BUDGET.

(1) THE CHAIR OF THE BOARD SHALL SUBMIT TO THE DIRECTOR OF FINANCE OF THE COUNTY THE TOTAL AMOUNT OF THE BOARD'S BUDGET, INCLUDING:

(I) SALARIES FOR MEMBERS AND EMPLOYEES OF THE BOARD;
AND

(II) ALL OTHER NECESSARY EXPENSES.

(2) FROM THE RECEIPTS COLLECTED BY THE BOARD, THE COUNTY COMMISSIONERS SHALL PAY:

(I) THE SALARIES OF THE MEMBERS AND EMPLOYEES OF THE BOARD ONCE EVERY 2 WEEKS; AND

(II) THE EXPENSES OF THE BOARD ON WRITTEN APPROVAL OF THE CHAIR OF THE BOARD.

(3) THE SALARIES AND EXPENSES OF THE EMPLOYEES OF THE BOARD ARE SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSIONERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–204(b)(3), 15–109(b), and 15–112(a)(2).

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

In the introductory language of subsection (c)(1) and in (c)(2)(ii) of this section, the references to the “chair” are substituted for the former references to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In the introductory language of subsection (c)(1) of this section, the reference to the Director of Finance “of the County” is added for clarity.

In the introductory language of subsection (c)(2) of this section, the reference to receipts “collected by the Board” is added for clarity.

In subsection (c)(2)(ii) of this section, the requirement to pay the expenses of the Board “on written approval of” the chair is substituted for the former requirement to pay the expenses of the Board “upon draft property signed by” the chair for clarity.

Defined terms: “Board” § 9–101
“County” § 9–101

9–205. INSPECTORS.

(A) POWERS.

AN INSPECTOR HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE.

(B) OATH.

AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(C) BOND.

(1) AN INSPECTOR SHALL PROVIDE A PENALTY BOND OF \$2,000 TO THE BOARD AND THE COUNTY COMMISSIONERS JOINTLY ON THE CONDITION THAT THE INSPECTOR FAITHFULLY PERFORM THE DUTIES OF OFFICE.

(2) THE COUNTY SHALL PAY THE COST OF THE BOND.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(b)(2).

In subsection (a) of this section, the reference to the powers “arising out of or relating to the enforcement of this article” is added for clarity.

Also in subsection (a) of this section, the former reference to a “constable” is deleted as unnecessary in light of the reference to a “peace officer”.

Also in subsection (a) of this section, the former requirement that the inspectors “be known as ‘alcoholic beverage inspectors for Allegany County’” is deleted as surplusage.

In subsection (b) of this section, the reference to the requirement to “take the oath required by Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to “[m]ake oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Constitution of this State” for brevity.

In subsection (c)(1) of this section, the reference to the condition that the inspector “faithfully perform the duties of office” is substituted for the former reference to the condition that the inspector “well and faithfully execute the office in all things appertaining thereto” for brevity and clarity.

In subsection (c)(2) of this section, the requirement that the “County” pay the cost of the bond is substituted for the former requirement that the “County Commissioners” pay the cost of the bond for accuracy.

Former Art. 2B, § 15–112(b)(1), which provided that former Art. 2B, § 15–112(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101

“County” § 9–101

“State” § 1–101

9–206. REGULATIONS.

THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Allegany County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem

necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Defined term: “Board” § 9–101

SUBTITLE 3. LIQUOR CONTROL.

9–301. LIQUOR CONTROL — NOT APPLICABLE.

THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 9–101

SUBTITLE 4. MANUFACTURER’S LICENSES.

9–401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (8) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (9) § 2–212 (“ADDITIONAL LICENSES”);**

(10) § 2-213 (“ADDITIONAL FEES”);

(11) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

(12) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);

(13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);

(14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND

(2) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”).

(C) VARIATION.

SECTION 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 9-403 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-207(a)(4)(i).

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 9-101

“Manufacturer’s license” § 1–101

9–402. HOURS AND DAYS OF SALE OR DELIVERY.

A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(b)(1).

Defined terms: “Alcoholic beverage” § 1–101

“Manufacturer’s license” § 1–101

9–403. CLASS 7 MICRO–BREWERY LICENSE.

(A) APPLICATION OF SECTION.

THIS SECTION APPLIES TO A CLASS 7 MICRO–BREWERY LICENSE IN THE COUNTY.

(B) POWERS; REQUIREMENTS.

A HOLDER OF THE LICENSE:

(1) MAY BREW A MALT BEVERAGE IN ONE LOCATION AND CONTRACT FOR THE BOTTLING OF THE MALT BEVERAGE IN ANOTHER LOCATION; AND

(2) (I) SHALL MEET THE REQUIREMENTS FOR A RESTAURANT FOR WHICH A CLASS B BEER, WINE, AND LIQUOR LICENSE IS SOUGHT; BUT

(II) NEED NOT MEET THE REQUIREMENTS FOR A HOTEL OR MOTEL FOR WHICH A CLASS B BEER, WINE, AND LIQUOR LICENSE IS SOUGHT; AND

(3) IS NOT SUBJECT TO THE MANUFACTURING AND LICENSING PROHIBITIONS UNDER § 2–209(E) OF THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–208(a), (b)(2)(i), (c)(4), and, as it related to Allegany County, (e)(1).

In subsection (b)(2) of this section, the reference to the “requirements for a hotel or motel for which a Class B beer, wine, and liquor license is sought” is substituted for the former reference to the “hotel/motel requirements for a

Class B beer, wine and liquor licensee” for clarity. Similarly, the reference to the requirements for “a restaurant for which a Class B beer, wine, and liquor license is sought” is substituted for the former reference to the requirements for “those Class B restaurants”.

Defined terms: “Beer” § 1–101
“County” § 9–101
“Hotel” § 1–101
“License” § 1–101
“Restaurant” § 1–101
“Wine” § 1–101

SUBTITLE 5. WHOLESALER’S LICENSES.

9–501. APPLICATION OF GENERAL PROVISIONS.

TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 9–101
“Wholesaler’s license” § 1–101

9–502. HOURS AND DAYS OF SALE OR DELIVERY.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND § 9–503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

(B) DELIVERY OF DRAFT BEER.

A HOLDER OF A BEER WHOLESALER’S LICENSE MAY DELIVER DRAFT BEER TO A HOLDER OF A RETAIL LICENSE ON SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(a) and, as it related to the delivery of draft beer, the first sentence of (c).

Defined terms: “Alcoholic beverage” § 1–101
“Beer” § 1–101

“Wholesaler’s license” § 1–101

9–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.

(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.

A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.

THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

9-504. RENTAL PRICE FOR BEER-DISPENSING EQUIPMENT.

A HOLDER OF A BEER WHOLESALER’S LICENSE MAY NOT PROVIDE EQUIPMENT TO DISPENSE DRAFT BEER AT A RENTAL PRICE THAT IS LESS THAN THE FAIR MARKET COST FOR THE RENTAL.

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 11-102(c), as it related to equipment for dispensing draft beer.

The second sentence of former Art. 2B, § 11-102(c), which stated that former Art. 2B, § 11-102(c) did not violate former Art. 2B, § 12-104, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Wholesaler’s license” § 1-101

9-505. SIZE OF LIQUOR CONTAINER.

THE HOLDER OF A CLASS 1 OR CLASS 2 WHOLESALER’S LICENSE MAY NOT SELL LIQUOR IN A CONTAINER SMALLER THAN 23 OUNCES OR 680 MILLILITERS TO A HOLDER OF A PER DIEM LICENSE ISSUED UNDER § 9-1307 OF THIS TITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-301(b)(6).

The reference to a “per diem license” is substituted for the former obsolete reference to a “special permit” for accuracy.

Defined term: “Wholesaler’s license” § 1-101

SUBTITLE 6. BEER LICENSES.**9-601. CLASS A BEER LICENSE.**

(A) ESTABLISHED.

THERE IS A CLASS A BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON:

(I) THE PREMISES WHERE THE BEER WAS SOLD; OR

(II) ANY PREMISES IN WHICH THE LICENSE HOLDER HAS A DIRECT OR INDIRECT INTEREST.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$125.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(b) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

In subsection (c) of this section, the reference to the annual “license” fee is added for clarity and consistency with other similar provisions of this article.

Defined terms: “Beer” § 1–101

“Consumer” § 1–101

9–602. CLASS B BEER LICENSE — NOT APPLICABLE.

A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(b).

Defined terms: “Beer” § 1–101

“County” § 9–101

9–603. CLASS C BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$150.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(b) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to consumption “on the premises or elsewhere” for clarity. Similarly, the reference to “on– and off–premises consumption” is substituted for the former reference to consumption “on the premises only” in accordance with the rule followed in this revision, that a provision of this article that is applicable to a specific jurisdiction prevails over an inconsistent general provision.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as included in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” §§ 1–101, 9–101

9–604. CLASS D BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.

(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$200.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(b) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

SUBTITLE 7. LIGHT WINE LICENSES.

9-701. LIGHT WINE LICENSES — NOT APPLICABLE.

A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language added to clarify that a light wine license may not be issued in Allegany County.

Defined terms: "County" § 9-101

"Light wine" § 9-101

SUBTITLE 8. BEER AND LIGHT WINE LICENSES.

9–801. CLASS A BEER AND LIGHT WINE LICENSE.**(A) ESTABLISHED.**

THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON:

(I) THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD;
OR

(II) A PREMISES IN WHICH THE LICENSE HOLDER HAS A DIRECT OR INDIRECT INTEREST.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$150.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(b) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101
“Light wine” § 9–101

9–802. CLASS B BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.

A CLASS B BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(b).

Defined terms: “Beer” § 1–101
“County” § 9–101
“Light wine” § 9–101

9–803. CLASS B–MB LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B–MB (MICRO–BREWERY/RESTAURANT) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 7 MICRO–BREWERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL:

(1) BEER AND LIGHT WINE BY THE DRINK OR BOTTLE AND LIQUOR BY THE DRINK FOR ON–PREMISES CONSUMPTION, INCLUDING:

(I) IN A BANQUET ROOM OR BANQUET FACILITY THAT IS ON THE LICENSED PREMISES; AND

(II) ON A PATIO THAT IS PART OF THE LICENSED PREMISES AS EVIDENCED BY LEASE DOCUMENTS OR BY AGREEMENT OF THE OWNER OF THE LICENSED PREMISES; AND

(2) BEER AND LIGHT WINE BY THE BOTTLE FOR OFF-PREMISES CONSUMPTION.

(D) HOURS AND DAYS OF SALE.

THE HOURS AND DAYS OF SALE ARE:

(1) FOR ON-PREMISES CONSUMPTION:

(I) FROM MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

**(II) ON SUNDAY, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY;
AND**

(2) FOR OFF-PREMISES CONSUMPTION, FROM MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$900.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(b)(4).

In subsection (b) of this section, the reference to a "Class 7 micro-brewery license" is substituted for the former reference to a "Class 7 manufacturer's license" for clarity.

Defined terms: "Beer" § 1-101

"Board" § 9-101

"Light wine" § 9-101

9-804. CLASS C BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$150.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(b)(2) and (3) and, except as it related to on–premises consumption only, (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Former Art. 2B, § 5–301(b)(1), which stated that former Art. 2B, § 5–301(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Light wine” § 9–101

9–805. CLASS D BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.

(C) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$210.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(b) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101
“Light wine” § 9–101

SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**9–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES OR ON A PREMISES IN WHICH THE LICENSE HOLDER HAS A DIRECT OR AN INDIRECT INTEREST.

(C) DRUGSTORE PROHIBITION; EXCEPTION.

A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:

(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;

(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR

(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$650.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(b) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the references to the phrase “beer, wine, or liquor” are substituted for the former references to the phrase “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(1)(i) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to being “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

In subsection (d) of this section, the former requirement that the license fee is to be paid to the local collecting agent before the license is issued is deleted as redundant of § 4–111 of this article.

Defined terms: “Beer” § 1–101
“Wine” § 1–101

9–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:

(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;

(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND

(3) CONTAINS:

(I) AT LEAST ONE PASSENGER ELEVATOR;

(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC; AND

(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT:

(I) IN A HOTEL OR MOTEL WITH AT LEAST 100 BEDROOMS FOR PUBLIC ACCOMMODATION; OR

(II) OPERATED IN CONJUNCTION WITH A CLASS 7 MICRO-BREWERY.

(3) TO BE LICENSED, A RESTAURANT:

(I) SHALL BE IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING MEALS TO THE PUBLIC DURING BUSINESS HOURS;

(II) SHALL DERIVE AT LEAST 60% OF ITS GROSS MONTHLY REVENUE FROM THE SALE OF FOOD;

(III) SHALL PROVIDE WAITERS TO SERVE CUSTOMERS WHO ARE SEATED AT TABLES FOR DINING; AND

(IV) MAY NOT BE A FAST-FOOD STYLE FACILITY.

(D) EXEMPTION FROM POPULATION QUOTA.

THE LICENSE IS EXEMPT FROM ANY LICENSE POPULATION QUOTA LIMITATION.

(E) LICENSE LOCATION TRANSFER PROHIBITED.

THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.

(F) FEE.

THE ANNUAL LICENSE FEE IS \$800.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(a)(3)(i) and (b)(2)(i) through (v) and (vii) through (ix).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[e]xcept in Montgomery County or in the case of a contrary provision in this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(3)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

In subsection (c)(1) of this section, the former reference that the license “does not have off-sale privileges” is deleted as implicit in the phrase “for on-premises consumption”.

In the introductory language of subsection (c)(2) of this section, the reference to “for use by a restaurant” is substituted for the former reference to “for the exclusive use [o]n the premises of a restaurant” for brevity.

In subsection (c)(2)(ii) of this section, the phrase “operated in conjunction with” is substituted for the former phrase “[i]f used in conjunction with” for clarity.

In the introductory language of subsection (c)(3) of this section, the phrase “[t]o be licensed” is substituted for the former phrase “[i]n addition to other county requirements provided for in this article” for clarity.

In subsection (c)(3)(iii) of this section, the phrase “provide waiters to serve” is substituted for the former phrase “has waiter or waitress service” for brevity.

In subsection (e) of this section, the former reference “[n]otwithstanding any law to the contrary” is deleted as surplusage.

Also in subsection (e) of this section, the former phrase “other than the premises for which it was issued” is deleted as surplusage.

Former Art. 2B, § 6–201(b)(1), which stated that former Art. 2B, § 6–201(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(b)(2)(vi), which stated that the hours and days of sale for the license are as provided under [former Art. 2B] § 11–501(a) and (b), is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“Hotel” § 1–101

“License” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

9–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (b)(1)(ii) and (iii).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the phrase “for on– or off–premises consumption”, which revises the provision specifically applicable to Allegany County – former Art. 2B, § 6–301(b)(1)(iii) – supersedes the provision of former Art. 2B, § 6–301(a)(1), which stated in general terms that a Class C license shall be issued “for consumption on the premises only”. The revision follows § 1–202 of this article, which states that to the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or qualification applicable to a special area, the exception or qualification prevails.

Also in subsection (b) of this section, the reference to “beer, wine, and liquor” is substituted for the former references to “all alcoholic beverages” and “[b]everages” for clarity.

Also in subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Former Art. 2B, § 6–301(a)(3), which defined “board” as meaning the board of commissioners for a specific jurisdiction, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–301(b)(1)(i), which stated that former Art. 2B, § 6–301(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“Club” § 1–101

“Wine” § 1–101

9–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

(C) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$700.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(b) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the phrase “at the place described in the license” is substituted for the former phrase “at the place described in it” for clarity.

Former Art. 2B, § 6–401(a)(3), which defined “Board” to mean “the Board of License Commissioners for the jurisdiction to which the subsection applies” is deleted as unnecessary because each title in Division II of this article has a definition of Board.

Defined terms: “Beer” § 1–101
“Wine” § 1–101

SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

9–1001. BUFFET THEATER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B–BT (BUFFET THEATER) BEER, LIGHT WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF AN ESTABLISHMENT THAT:

(1) IS OPERATED AS A NONPROFIT PROFESSIONAL THEATER;

(2) PROVIDES TO THE CUSTOMERS OF THE ESTABLISHMENT LIVE BROADWAY–STYLE MUSICALS, COMEDY, DRAMA, LIVE ACOUSTIC–STYLE MUSIC, OR FEATURE FILMS; AND

(3) IS OPEN TO THE PUBLIC BY RESERVATION.

(C) SCOPE OF AUTHORIZATION.

THE CLASS B–BT LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER AND LIGHT WINE BY THE DRINK OR BY THE BOTTLE AND LIQUOR BY THE DRINK ONLY FOR ON–PREMISES CONSUMPTION AND IN CONJUNCTION WITH THE BUFFET THEATER.

(D) HOURS AND DAYS OF SALE.

(1) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE FOR ON–PREMISES CONSUMPTION BEGINNING 2 HOURS BEFORE THE PERFORMANCE, DURING THE PERFORMANCE, AND FOR 2 HOURS AFTER THE END OF THE PERFORMANCE ON:

(I) MONDAY THROUGH SATURDAY; AND

(II) SUNDAY NO EARLIER THAN 1 P.M.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR:

(I) FOR OFF–PREMISES CONSUMPTION BY THE DRINK OR BY THE BOTTLE; OR

(II) AT ANY TIME EXCEPT IN CONJUNCTION WITH THE BUFFET THEATER.

(E) FEE.

THE ANNUAL FEE FOR THE LICENSE IS \$350.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(b)(3).

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 9–101

“License holder” § 1–101

“Wine” § 1–101

9–1002. VIDEO LOTTERY CONCESSIONAIRE LICENSE.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CONCESSIONAIRE” MEANS A LESSEE, A SUBLESSEE, OR ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:

(I) ENGAGES IN THE SALE OF BEER, WINE, AND LIQUOR BY THE DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN A VIDEO LOTTERY FACILITY; AND

(II) IS OPERATED AS A CONCESSION INDEPENDENT OF A CLASS BWL–VLF LICENSE.

(3) “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(B) ESTABLISHED.

THERE IS A CLASS BWL–VLC (VIDEO LOTTERY CONCESSIONAIRE) BEER, WINE, AND LIQUOR LICENSE.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO ONE OR MORE CONCESSIONAIRES OPERATING IN A VIDEO LOTTERY FACILITY.

(D) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES:

(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION:

- 1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR**
- 2. ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSE HOLDER, AS DEFINED IN THE CLASS BWL-VLF LICENSE;**

(II) THE PLAYING OF MUSIC AND DANCING; AND

(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSE HOLDER DURING THOSE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.

(2) BEER, WINE, AND LIQUOR PURCHASED UNDER A CLASS BWL-VLC LICENSE MAY BE TAKEN ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSE HOLDER, AS DEFINED IN THE CLASS BWL-VLF LICENSE.

(E) HOURS AND DAYS OF SALE.

THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION OF A VIDEO LOTTERY FACILITY.

(F) FEE.

(1) THE ANNUAL LICENSE FEE IS \$5,000.

(2) THE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.

(G) PENALTY.

A PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A HOLDER OF A CLASS BWL-VLC LICENSE SHALL APPLY TO THE CONCESSIONAIRE THAT THE BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(b-1)(1), (3), (8), (4)(ii) and (iii), and, as they related to Class BWL-VLC licenses, (5)(ii) and (6) and § 11-501(d).

In subsection (a)(2)(i) of this section, the former reference to the "daily" sale of beer, wine, and liquor is deleted for accuracy.

In the introductory language of subsection (d)(1) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(3) of this section, the language that the license does not allow “sales for off-premises consumption” is substituted for the former language that an “off-sale privilege is not conferred by” the license for clarity.

In subsection (e) of this section, the former reference to May 1 “of each year” is deleted as surplusage.

The part of former Art. 2B, § 6–201(b–1)(5)(i) that stated that an off-sale privilege is not conferred by a Class BWL–VLC license is deleted as surplusage.

Former Art. 2B, § 6–201(b–1)(7), which stated that Class BWL–VLF and Class BWL–VLC licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this section and § 6–1213 of this subtitle, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 11–304(b)(3), which provided for the hours of consumption, is deleted as duplicative of and unnecessary in light of subsection (e) of this section. The hours of operation for a video lottery facility are 24 hours a day.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“Wine” § 1–101

9–1003. VIDEO LOTTERY FACILITY LICENSE.

(A) “VIDEO LOTTERY FACILITY” DEFINED.

IN THIS SECTION, “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(B) ESTABLISHED.

THERE IS A CLASS BWL–VLF (VIDEO LOTTERY FACILITY) BEER, WINE, AND LIQUOR LICENSE.

(C) AUTHORIZED HOLDER.

(1) THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL OR ENTITY THAT OWNS A VIDEO LOTTERY FACILITY THAT CONTAINS AT LEAST ONE FOOD SERVICE FACILITY, BAR, OR LOUNGE.

(2) THE BOARD MAY NOT REQUIRE AN APPLICANT FOR THE LICENSE TO MEET ANY LOCATION, VOTING, OR RESIDENCY REQUIREMENT.

(D) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES:

(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY FACILITY FOR CONSUMPTION:

1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR

2. ON GROUNDS CONTROLLED BY THE LICENSE HOLDER, AS DEFINED IN THE LICENSE;

(II) THE PLAYING OF MUSIC AND DANCING; AND

(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE LICENSE HOLDER DURING THE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.

(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY BE TAKEN ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE LICENSE HOLDER, AS DEFINED IN THE LICENSE.

(E) HOURS AND DAYS OF SALE.

THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION OF A VIDEO LOTTERY FACILITY.

(F) FEE.

(1) THE ANNUAL LICENSE FEE IS \$15,000.

(2) THE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(b–1)(2), (1)(i) and (iii), (4)(i) and (iii), and, as they related to Class BWL–VLF licenses, (5)(ii) and (6) and § 11–501(d).

In subsection (c) of this section, the former requirement that an individual or entity own a video lottery facility and hold “a license under Title 9, Subtitle 1A of the State Government Article” is deleted as redundant of the defined term “video lottery facility”.

In subsection (f)(2) of this section, the former reference to May 1 “of each year” is deleted as surplusage.

The part of former Art. 2B, § 6–201(b–1)(5)(i) that stated that an off–sale privilege is not conferred by a Class BWL–VLF license is deleted as surplusage.

Defined terms: “Beer” § 1–101
“Board” § 9–101
“Wine” § 1–101

9–1004. VOLUNTEER COMPANY LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C (VOLUNTEER COMPANY) BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR USE BY:

- (1) A VOLUNTEER FIRE COMPANY;**
- (2) A VOLUNTEER AMBULANCE COMPANY; OR**
- (3) A COMBINED VOLUNTEER FIRE AND AMBULANCE COMPANY.**

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES OR OFF–PREMISES CONSUMPTION.

(D) CUSTOMERS.

A CUSTOMER NEED NOT BE A MEMBER OF THE COMPANY FOR WHICH THE LICENSE IS ISSUED OR A MEMBER'S GUEST.

(E) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 9-2004 OF THIS TITLE.

(F) FEE.

THE ANNUAL LICENSE FEE IS \$500.

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6-301(b)(2).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Allegany County.

In subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing]" alcoholic beverages is deleted as implicit in the reference to "sell[ing]" alcoholic beverages.

In subsection (d) of this section, the clause "[a] customer need not be a member" is substituted for the former clause "[p]atrons ... are not limited to the members" to conform to the terminology used throughout this article.

Also in subsection (d) of this section, the former reference to a patron "of a club" is deleted as implicit in the reference to a "customer".

Also in subsection (d) of this section, the reference to the "company" is substituted for the former reference to the "license holder" for accuracy.

Defined terms: "Beer" § 1-101

"Board" § 9-101

"Wine" § 1-101

SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.

9-1101. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4-1102 (“CORKAGE – CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4-1104 (“REFILLABLE CONTAINER PERMIT – DRAFT BEER”);
AND

(2) § 4-1105 (“REFILLABLE CONTAINER PERMIT – WINE”).

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 9-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

9-1102. PERMIT FOR SALE OF LIQUOR BY DRINK.

(A) ESTABLISHED.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE TO A HOLDER OF A CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSE A PERMIT THAT ALLOWS THE SALE OF BEER, WINE, AND LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION.

(B) SCOPE OF AUTHORIZATION.

THE PERMIT HOLDER:

(1) MAY CONTINUE TO SELL BEER OR BEER AND LIGHT WINE FOR ON- OR OFF-PREMISES CONSUMPTION; BUT

(2) MAY NOT:

(I) SELL LIQUOR FOR OFF-PREMISES CONSUMPTION; OR

(II) PURCHASE OR POSSESS LIQUOR ON THE PREMISES IN A CONTAINER SMALLER THAN 23 OUNCES OR 680 MILLILITERS.

(C) TIME OF APPLICATION.

APPLICATION FOR THE PERMIT MAY BE MADE NOT LESS THAN 30 DAYS BEFORE THE DAY ON WHICH THE PERMIT IS TO TAKE EFFECT.

(D) LIMIT ON PERMITS.

(1) NOT MORE THAN 50 PERMITS MAY BE IN EXISTENCE AT ANY ONE TIME.

(2) A LICENSE HOLDER WHO IS ISSUED A PERMIT SHALL RECEIVE A PRO RATA CREDIT FOR THE UNEXPIRED PART OF THE LICENSE HELD WHEN THE LICENSE HOLDER IS ISSUED THE PERMIT.

(E) FEE.

THE ANNUAL PERMIT FEE IS \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 7-101(h)(3) and 9-202(f)(2).

In subsection (d) of this section, the former reference to the Board "continu[ing] to issue" permits is deleted as surplusage.

Also in subsection (d) of this section, the reference to a holder who "is issued a permit" is substituted for the former reference to a license holder who "applies for and receives a special permit" for brevity.

Defined terms: "Beer" § 1-101

"Board" § 9-101

"License holder" § 1-101

"Light wine" § 9-101

"Wine" § 1-101

SUBTITLE 12. CATERER'S LICENSES.**9-1201. RESERVED.****SUBTITLE 13. TEMPORARY LICENSES.****PART I. IN GENERAL.****9-1301. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 ("TEMPORARY LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-1206 ("LICENSE TO DISPOSE OF STOCK");**
- (2) § 4-1207 ("TEMPORARY MOVE OF LICENSED PREMISES");**
- (3) § 4-1208 ("HOURS AND DAYS OF SALE"); AND**
- (4) § 4-1209 ("WINE PERMIT FOR FUND-RAISING EVENT").**

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 ("TEMPORARY LICENSES") OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 4-1202 ("PER DIEM LICENSES"), WHICH IS SUPERSEDED BY § 9-1307 OF THIS SUBTITLE;**
- (2) § 4-1203 ("CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES"), WHICH IS SUPERSEDED BY § 9-1309 OF THIS SUBTITLE;**
- (3) § 4-1204 ("CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE"), WHICH IS SUPERSEDED BY § 9-1309 OF THIS SUBTITLE; AND**
- (4) § 4-1205 ("LICENSE FEES"), WHICH IS SUPERSEDED BY § 9-1308 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: "County" § 9-101

9-1302. RESERVED.

9-1303. RESERVED.

PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

9-1304. BEER AND WINE FESTIVAL LICENSE.

(A) ESTABLISHED.

(1) THERE IS A BEER AND WINE FESTIVAL LICENSE.

(2) THE BOARD MAY ISSUE ONE FESTIVAL LICENSE EACH YEAR.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL:

(1) WINE THAT IS:

(I) MANUFACTURED AND PROCESSED IN ANY STATE; AND

(II) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED; OR

(2) BEER THAT IS BREWED BY A BREWER:

(I) THAT BREWS LESS THAN 60,000 BARRELS OF BEER ANNUALLY; AND

(II) WHOSE PRODUCT IS DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.

(D) TIME AND CONDITIONS OF DISPLAY AND SALE.

A LICENSE HOLDER SHALL DISPLAY AND SELL BEER AND WINE:

- (1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND
 - (2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.
- (E) TIME, LOCATION, AND FOCUS OF FESTIVAL.

THE BOARD:

- (1) EACH YEAR MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE, FOR THE FESTIVAL;
 - (2) MAY NOT CHOOSE THE WEEKEND SELECTED FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;
 - (3) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND
 - (4) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.
- (F) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

- (G) INVOICING AND DELIVERY.

BEER AND WINE DISPLAYED AND SOLD SHALL BE:

- (1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND
- (2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.

- (H) DELIVERY AGREEMENT.

A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:

- (1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND

(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.

(I) FEE.

THE BOARD MAY SET THE LICENSE FEE.

(J) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–301(c) through (i).

Throughout this section, the former references to a “special” festival license are deleted as surplusage.

Subsection (a)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (c) of this section, the former reference to a limit on the display and sale of wine that is “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (e)(2) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

In subsection (e)(3) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (e)(3) of this section, the former reference to a location “for the special festival” is deleted as surplusage.

Also in subsection (e)(3) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement “[t]his section does not prohibit the holder ... from holding” another license for clarity.

In the introductory language of subsection (g) of this section, the reference to “[b]eer and wine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (g)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (g)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to the “wholesaler, winery, or limited winery” and in the introductory language of subsection (h) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the reference to “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (h) of this section, the former phrase “[w]henver a special festival license is issued under this subsection,” is deleted as surplusage.

In subsection (h)(1) of this section, the reference to the delivery of beer and wine “not earlier than” 2 days before the effective date of the license is added for clarity. Similarly, in subsection (h)(2) of this section, the reference to the acceptance of returns “not later than” 2 days after the expiration date of the license is added.

Former Art. 2B, § 8–301(a), which defined the term “Board” to mean the Allegany County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 9–101 of this title.

Former Art. 2B, § 8–301(b), which stated that former Art. 2B, § 8–301 applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

9–1305. RESERVED.

9–1306. RESERVED.

PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.

9–1307. PER DIEM LICENSES.

(A) ESTABLISHED.

THE BOARD MAY GRANT A PER DIEM LICENSE OF ANY RETAIL CLASS.

(B) SCOPE OF AUTHORIZATION.

A PER DIEM LICENSE AUTHORIZES THE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THE CLASS OF THE LICENSE:

(1) AT AN ENTERTAINMENT EVENT HELD BY A CLUB;

(2) AT THE PLACE DESCRIBED IN THE LICENSE; AND

(3) FOR A PERIOD NOT EXCEEDING:

(I) 7 CONSECUTIVE DAYS FOR A BEER OR A BEER AND LIGHT WINE LICENSE; OR

(II) 14 CONSECUTIVE DAYS FOR A BEER, WINE, AND LIQUOR LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(h)(2), except as it related to the payment of license fees.

In subsection (a) of this section, the reference to any “retail” class is substituted for the former reference to any class “except manufacturer’s and wholesaler’s” for brevity.

In subsection (b)(1) of this section, the reference to an entertainment “event” is added for clarity and to conform to the terminology used in this title.

Also in subsection (b)(1) of this section, the former reference to a “bona fide” entertainment event is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to “conducted” is deleted as redundant of the reference to “held”.

Defined terms: “Board” § 9–101

“Club” § 1–101

“License” § 1–101

9–1308. FEES.

THE FEE FOR A PER DIEM LICENSE IS:

- (1) \$20 PER DAY FOR ANY BEER OR BEER AND LIGHT WINE LICENSE;**
- OR**
- (2) \$50 PER DAY FOR ANY BEER, WINE, AND LIQUOR LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(h)(2), as it related to the payment of license fees.

Former Art. 2B, § 7–101(h)(1), which stated that the provisions of former Art. 2B, § 7–101(h) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

9–1309. PER DIEM ENTERTAINMENT LICENSE.

(A) ESTABLISHED.

THE BOARD MAY ISSUE A PER DIEM ENTERTAINMENT LICENSE OF ANY CLASS.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO EXERCISE A PRIVILEGE CONFERRED BY THAT CLASS OF LICENSE AT AN ENTERTAINMENT EVENT ONLY ON PROPERTY THAT THE COUNTY OWNS.

(C) APPLICATION FOR LICENSES.

TO QUALIFY FOR THE LICENSE, A PERSON SHALL SUBMIT AN APPLICATION NOT LESS THAN 30 DAYS BEFORE THE DAY ON WHICH THE LICENSE IS TO TAKE EFFECT.

(D) LIMITATIONS.

THE LICENSE IS VALID FOR A PERIOD NOT EXCEEDING 5 CONSECUTIVE DAYS.

(E) FEES.

(1) THE FEE FOR THE LICENSE SHALL BE SET BY THE BOARD OF COUNTY COMMISSIONERS ON THE RECOMMENDATION OF THE BOARD OF LICENSE COMMISSIONERS.

(2) THE BOARD OF COUNTY COMMISSIONERS SHALL:

(I) DISTRIBUTE \$100 OF THE LICENSE FEE TO THE BOARD OF LICENSE COMMISSIONERS; AND

(II) DONATE THE BALANCE OF THE LICENSE FEE TO A CHARITABLE ORGANIZATION THAT IS TAX EXEMPT UNDER § 501(C)(3) OR (4) OF THE UNITED STATES INTERNAL REVENUE CODE.

(3) THE LICENSE HOLDER, WITH THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS, SHALL DESIGNATE THE CHARITABLE ORGANIZATION TO BE THE RECIPIENT OF THE DONATION UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(h)(4).

In subsection (b) of this section, the former reference to a “bona fide” entertainment event is deleted as surplusage. Similarly, in subsection (e)(2)(ii) and (3) of this section, the former references to a “bona fide” charitable organization are deleted as surplusage. Also, in subsection (e)(2)(ii) of this section, the former reference to a “nonprofit” charitable organization is deleted as unnecessary in light of the reference to a “charitable organization that is tax exempt under § 501(c)(3) or (4) of the United States Internal Revenue Code”.

Defined terms: “Board” § 9–101

“County” § 9–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

SUBTITLE 14. APPLICATIONS FOR LICENSES.

9-1401. APPLICATION OF GENERAL PROVISIONS.**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (7) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (8) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (9) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) EXCEPTION.

SECTION 4-107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), IN ADDITION TO § 9-1403 OF THIS SUBTITLE;
- (2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”), IN ADDITION TO § 9-1404 OF THIS SUBTITLE; AND

(3) § 4-112 (“DISPOSITION OF LICENSE FEES”), IN ADDITION TO § 9-1405 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined terms: “County” § 9-101

“License” § 1-101

“Local licensing board” § 1-101

9-1402. CITIZENSHIP AND RESIDENCY REQUIREMENTS.

(A) CITIZENSHIP.

ONLY A UNITED STATES CITIZEN MAY HAVE AN INTEREST OF ANY KIND IN A BUSINESS FOR WHICH A LICENSE IS ISSUED.

(B) RESIDENCY.

THE BOARD MAY NOT ISSUE A LICENSE TO AN INDIVIDUAL WHO IS NOT A RESIDENT OF THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-202(b).

In subsection (a) of this section, the former reference to an interest of “any ... character” is deleted as surplusage.

In subsection (b) of this section, the reference to an “individual” is substituted for the former reference to a “person” because only a human being may be a resident.

Also in subsection (b) of this section, the reference to the “Board” issuing a license is substituted for the former reference to “a license may not be issued” for clarity.

Also in subsection (b) of this section, the reference to “resident” is substituted for the former reference to “citizen” because the meaning of “citizen” in this context is unclear and the reference to “resident” is used throughout this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (b) of this section that an applicant be a resident of the County may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution

and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 33 Md. 411 (1994).

Defined terms: “Board” § 9–101

“County” § 9–101

“License” § 1–101

9–1403. REQUIRED STATEMENTS.

AN APPLICATION SHALL INCLUDE:

- (1) A STATEMENT THAT THE APPLICANT IS AT LEAST 21 YEARS OLD;**
- (2) A STATEMENT THAT THE APPLICANT, FOR THE ISSUANCE OR RENEWAL OF A LICENSE, WILL PRODUCE ON REQUEST ALL RECORDS THAT AN APPLICANT UNDER THIS ARTICLE IS REQUIRED TO KEEP:**
 - (I) TO THE COMPTROLLER, A DEPUTY COMPTROLLER, THE COUNTY SHERIFF, OR THE POLICE OF A MUNICIPALITY IN THE COUNTY; OR**
 - (II) IN A PROCEEDING BEFORE THE BOARD OR THE CIRCUIT COURT FOR THE COUNTY RELATING TO THE LICENSE OR BUSINESS;**
- (3) THE NAMES OF TWO PERSONS OR THE NAME OF A BONDING COMPANY AUTHORIZED UNDER THIS ARTICLE WHO WILL ACT AS A SURETY ON THE BOND REQUIRED BY THE COUNTY;**
- (4) A STATEMENT OF ALL PERSONS INTERESTED IN THE LICENSE, INCLUDING THE NAME OF A BUSINESS ENTITY ON WHOSE BEHALF THE LICENSE APPLICATION IS MADE; AND**
- (5) CERTIFICATES OF RECEIPT FROM THE COUNTY TAX AND UTILITY OFFICE AND THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, SHOWING THAT, FOR THE CALENDAR YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS TO BE ISSUED, THERE ARE NO UNPAID TAXES ON THE MERCHANDISE, FIXTURES, OR INVENTORY FOR THE BUSINESS DUE TO THE STATE, COUNTY, OR MUNICIPALITY IN WHICH THE LICENSED ACTIVITY IS TO BE CARRIED ON.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first and second sentences of former Art. 2B, § 10–104(b).

In the introductory language of item (2) of this section, the former reference to a “condition for” the issuance of a license is deleted as surplusage.

Also in the introductory language of item (2) of this section, the reference to “renewal” is substituted for the former reference to “continuance” for clarity.

Also in the introductory language of item (2) of this section, the former phrase “under the provisions of this article” is deleted as surplusage.

In item (2)(ii) of this section, the former reference to a “place of” business is deleted as surplusage.

In item (4) of this section, the reference to “business entity” is substituted for the former reference to “corporation, partnership or unincorporated association” for brevity.

In item (5) of this section, the phrase “immediately before” is substituted for the former phrase “next preceding” for clarity.

Also in item (5) of this section, the reference to “the County Tax and Utility Office and the State Department of Assessments and Taxation” is substituted for the former obsolete reference to “the Office of the Supervisor of Assessments of Allegany County” for accuracy.

Also in item (5) of this section, the reference to “inventory” is substituted for the former reference to “stock-in-trade” to conform to the terminology used throughout this article.

Also in item (5) of this section, the reference to a “municipality” is substituted for the former reference to the “incorporated city or town” for brevity.

Defined terms: “Board” § 9–101

“Comptroller” § 1–101

“County” § 9–101

“License” § 1–101

“Person” § 1–101

9–1404. PETITION OF SUPPORT.

(A) IN GENERAL.

(1) WITH THE LICENSE APPLICATION, THE APPLICANT SHALL SUBMIT A PETITION SIGNED BY AT LEAST 10 RESIDENTS, VOTERS, OR PROPERTY OWNERS WHO:

(I) HAVE NOT SIGNED ANY OTHER PETITION FOR A LICENSE;
AND

(II) LIVE OR OWN PROPERTY IN THE VICINITY OF THE PLACE
FOR WHICH THE LICENSE APPLICATION IS MADE.

(2) THE PETITION SHALL STATE THE FULL NAME, RESIDENCE, OR
PROPERTY OWNED OF EACH PERSON WHO SIGNS THE PETITION.

(3) EACH PERSON WHO SIGNS THE PETITION SHALL CERTIFY THAT
THE PERSON:

(I) HAS BEEN ACQUAINTED WITH THE APPLICANT FOR MORE
THAN 1 YEAR BEFORE THE DATE THAT LICENSE APPLICATION IS MADE;

(II) HAS GOOD REASON TO BELIEVE THAT ALL THE STATEMENTS
IN THE PETITION ARE TRUE; AND

(III) REQUESTS THAT THE PETITION BE APPROVED AND THAT
THE LICENSE BE ISSUED.

(B) PETITION VERIFICATION.

THE APPLICANT SHALL VERIFY THE PETITION BY AFFIDAVIT MADE BEFORE A
NOTARY OR THE CLERK OF THE CIRCUIT COURT.

REVISOR'S NOTE: This section is new language derived without substantive
change from the third and fourth sentences of former Art. 2B, § 10–104(b).

In subsection (a) of this section, the reference to “residents” is substituted for
the former reference to “citizens” because the meaning of the word “citizens”
in this context is unclear.

Defined term: “License” § 1–101

9–1405. COLLECTION AND DISPOSITION OF LICENSE FEES.

(A) COLLECTION OF FEES.

THE BOARD SHALL PROCESS AND THE DIRECTOR OF FINANCE SHALL
COLLECT THE FEES.

(B) DISPOSITION OF FEES.

FROM THE FEES COLLECTED FROM LICENSES ISSUED TO A BUSINESS IN A MUNICIPALITY, THE DIRECTOR OF FINANCE SHALL:

(1) CREDIT 5% TO THE GENERAL FUND OF THE COUNTY TO COVER ADMINISTRATIVE COSTS; AND

(2) PAY 50% OF THE REMAINING FEES TO THE MUNICIPALITY WHERE THE BUSINESS IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(b)(2) and, as it related to accepting and processing fees, § 10–202(c)(1)(i).

In this section, the former references to a “place of” business are deleted as surplusage.

In subsection (a) of this section, the former reference to the Director of Finance being “the local collecting agent” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to the requirement that the Board “accept and process applications” is deleted as included in § 4–102 of this article which states that license applications are to be filed with the local licensing board.

In subsection (b)(2) of this section, the former reference to a municipality “in the county” is deleted as implicit.

Former Art. 2B, § 10–204(b)(1), which stated that former Art. 2B, § 10–204(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101

“County” § 9–101

“License” § 1–101

SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.

9–1501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);
- (4) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (5) § 4–212 (“LICENSE NOT PROPERTY”);
- (6) § 4–213 (“REPLACEMENT LICENSES”); AND
- (7) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”) AND IS SUPERSEDED BY § 9–1504 OF THIS SUBTITLE; AND
- (2) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”) AND IS SUPERSEDED BY § 9–1506 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 9–1502 OF THIS SUBTITLE;
- (2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 9–1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;
- (3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 9–1503 OF THIS SUBTITLE; AND

(4) § 4-209 (“HEARING”), IN ADDITION TO § 9-1505 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 9-101

“License” § 1-101

“Local licensing board” § 1-101

9-1502. HOLDERS OF OUT-OF-STATE LICENSES.

THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(1), except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 9-101

“Light wine” § 9-101

“Person” § 1-101

“State” § 1-101

“Wine” § 1-101

9-1503. BOWLING ESTABLISHMENTS.

MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:

(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND

(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and light wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Light wine” § 9–101

9–1504. NOTICE OF LICENSE APPLICATION.

(A) PUBLICATION IN NEWSPAPER.

(1) THE BOARD SHALL PUBLISH A NOTICE OF THE LICENSE APPLICATION ONCE A WEEK FOR 2 CONSECUTIVE WEEKS IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY NEAREST TO THE LOCATION DESCRIBED IN THE APPLICATION, AS DETERMINED BY THE APPLICANT.

(2) THE NOTICE SHALL STATE:

(I) THE RESIDENCE OF THE APPLICANT; AND

(II) THE LOCATION DESCRIBED IN THE APPLICATION AND THE OWNER OF THE LOCATION.

(3) THE FIRST PUBLICATION UNDER THIS SUBSECTION SHALL BE AT LEAST 15 DAYS BEFORE THE APPLICATION HEARING.

(B) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.

(1) IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.

(2) A NOTICE UNDER THIS SUBSECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(i)1 and (ii) and, as it related to publishing notices of license applications, (c)(1).

In subsection (a)(1) of this section, the reference to publication in a newspaper “, as determined by the applicant” is substituted for the former reference to “[w]here the publication might be made in one of several newspapers the applicant may designate the one in which the publication shall be made” for brevity.

Also in subsection (a)(1) of this section, the reference requiring the Board to “publish a notice of the license application” is substituted for the former reference requiring the Board to “cause notice of each application to be published” for clarity.

Also in subsection (a)(1) of this section, the reference to the “location described in the application” is substituted for the former reference to where the “applicant’s proposed place of business is to be located” for consistency with terminology used throughout this article.

In subsection (a)(2)(ii) of this section, the reference to the “location described in the application and the owner of the location” is substituted for the former reference to the “location of the place of business and the owner of the premises for which said application is made” for brevity and consistency with other terminology used throughout this article.

In subsection (a)(3) of this section, the reference to publication 15 days before “the application hearing” is substituted for the former reference to publication 15 days before “the time fixed for the consideration of such application” for clarity and brevity.

In subsection (b)(1) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (b)(1) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (b)(1) of this section, the reference to an “application hearing” is substituted for the former reference to “action upon the

application” for consistency with the language used in subsection (b)(2) of this section.

In subsection (b)(2) of this section, the reference to the “date” for an application hearing is added for clarity.

Former Art. 2B, § 10–202(c)(2) which provided that any person shall be heard, is deleted as redundant of § 4–209(b) of this article.

Defined terms: “Board” § 9–101

“License” § 1–101

9–1505. ADDITIONAL BOARD DETERMINATIONS.

IN A HEARING ON AN APPLICATION OR PROTEST, THE GENERAL REPUTATION OF THE FOLLOWING IS ADMISSIBLE:

(1) THE APPLICANT OR LICENSE HOLDER;

(2) THE LOCATION DESCRIBED IN THE APPLICATION; AND

(3) THE PERSONS WHO CONGREGATE AT THE LOCATION DESCRIBED IN THE APPLICATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(c)(3).

In the introductory language of this section, the reference to a “protest” hearing is substituted for the former reference to hearings on “remonstrances” for clarity.

In item (2) of this section, the reference to the “location described in the application” is substituted for the former reference to the “place of business” to conform to terminology used throughout this article.

In item (3) of this section, the reference to persons who congregate “at the location described in the application” is substituted for the former reference to persons who congregate “therein or thereat” for clarity.

Defined terms: “License holder” § 1–101

“Person” § 1–101

9–1506. FACTORS FOR DENIAL.

(A) APPLICANT AND NEIGHBORHOOD.

THE BOARD MAY DENY A LICENSE APPLICATION IF IT DECIDES THAT:

(1) THE APPLICANT IS UNFIT TO BE ISSUED THE LICENSE; OR

(2) THE LOCATION DESCRIBED IN THE APPLICATION IS NOT A PROPER ONE WITH REFERENCE TO ENSURING THE PUBLIC PEACE, GENERAL WELFARE, OR CHARACTER OF THE NEIGHBORHOOD.

(B) LICENSES IN NEIGHBORHOOD.

DUE REGARD SHALL BE GIVEN TO THE NUMBER OF LICENSES ISSUED FOR A NEIGHBORHOOD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–202(e)(1).

In the introductory language of subsection (a) of this section, the reference to the Board “decid[ing]” is substituted for the former references to the Board “in its opinion” and “in [its] discretion” for clarity.

In subsection (a)(1) of this section, the reference to “the applicant” is substituted for the former reference to “any petitioner or petitioners” for consistency with terminology used throughout this article.

In subsection (a)(2) of this section, the reference to “ensuring” the public peace, general welfare, or character of the neighborhood is added for clarity.

Also in subsection (a)(2) of this section, the reference to the “location described in the application” is substituted for the former reference to the “place for which the application for a license is made” for consistency with terminology used throughout this article.

Also in subsection (a)(2) of this section, the reference to the “public peace, general welfare, or character of the neighborhood” is substituted for the former reference to the “public peace and general welfare of the neighborhood or to the character of its inhabitants” for clarity.

In subsection (b) of this section, the former phrase “as well as all specific restrictions and conditions set forth in this article” is deleted as implicit.

Defined terms: “Board” § 9–101

“License” § 1–101

SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.

PART I. LICENSING CONDITIONS.

9–1601. AUTHORITY OF BOARD TO RESTRICT LICENSES.**(A) IN GENERAL.****THE BOARD MAY:**

(1) RESTRICT THE NUMBER OF LICENSES IN A NEIGHBORHOOD TO THE NUMBER OF LICENSES THAT THE BOARD CONSIDERS SUFFICIENT;

(2) REGULATE THE USE OF MECHANICAL MUSIC BOXES AND OTHER SOUND-MAKING DEVICES; AND

(3) SPECIFY AREAS IN WHICH LICENSES WILL NOT BE ISSUED.

(B) RIGHT TO PETITION FOR REVIEW.

AN APPLICANT OR LICENSE HOLDER WHO IS AGGRIEVED BY ANY LIMITATION, RESTRICTION, OR PROHIBITION IMPOSED BY THE BOARD UNDER SUBSECTION (A) OF THIS SECTION MAY PETITION FOR JUDICIAL REVIEW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–202(h).

In subsection (a)(1) of this section, the former reference to “limit[ing]” the number of licenses is deleted as unnecessary in light of the reference to “restrict[ing]” the number of licenses. Similarly, in subsection (a)(2) of this section, the former reference to “limit[ing]” certain items is deleted as unnecessary in light of the reference to “regulat[ing]” the items.

In subsection (b) of this section, the reference to any limitation, restriction, or prohibition imposed by the Board “under subsection (a) of this section” is added for clarity.

Also in subsection (b) of this section, the reference to “petition[ing] for judicial review” of certain actions of the Board is substituted for the former reference to “appeal[ing]” those actions for accuracy.

Defined terms: “Board” § 9–101

“License” § 1–101

“License holder” § 1–101

9–1602. POPULATION RESTRICTION FOR CLASS A AND CLASS D BEER, WINE, AND LIQUOR LICENSES.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE:

(1) CLASS A AND CLASS D BEER, WINE, AND LIQUOR LICENSES SO THAT THE NUMBER OF LICENSES ISSUED IN EACH OF THESE CLASSES EXCEEDS ONE FOR EVERY 1,300 RESIDENTS IN THE COUNTY, AS DETERMINED BY THE LATEST FEDERAL CENSUS; AND

(2) CLASS A AND CLASS D BEER LICENSES OR CLASS A AND CLASS D BEER AND LIGHT WINE LICENSES SO THAT THE AGGREGATE NUMBER IN THESE CLASSES EXCEEDS ONE FOR EVERY 1,300 RESIDENTS IN THE COUNTY, AS DETERMINED BY THE LATEST FEDERAL CENSUS.

(B) TRANSFER OF LICENSE.

THE BOARD MAY APPROVE THE TRANSFER OF A LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–202(e)(2) and (f)(1).

In subsection (b) of this section, the former phrase “[s]ubject to the population limitations on licenses elsewhere provided in this article” is deleted as surplusage.

Also in subsection (b) of this section, the former prohibition against the Board issuing “any additional beer, wine and liquor Class A or Class D license” is deleted as unnecessary in light of the restrictions against issuing these licenses established in subsection (a) of this section.

Also in subsection (b) of this section, the former reference to the transfer of an “existing” license is deleted as implicit.

Also in subsection (b) of this section, the former reference to the Board approving the transfer of a license “as elsewhere provided in this article” is deleted as surplusage.

Defined terms: “Board” § 9–101

“County” § 9–101

“License” § 1–101

9–1603. LOCATION RESTRICTION FOR CERTAIN CLASS A, CLASS B, AND CLASS D LICENSES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO:

(1) CLASS A BEER LICENSES, BEER AND LIGHT WINE LICENSES, AND BEER, WINE, AND LIQUOR LICENSES;

(2) CLASS B BEER LICENSES, BEER AND LIGHT WINE LICENSES, AND BEER, WINE, AND LIQUOR LICENSES; AND

(3) CLASS D BEER, WINE, AND LIQUOR LICENSES.

(B) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE SPECIFIED IN SUBSECTION (A) OF THIS SECTION TO A PERSON WHOSE ESTABLISHMENT IS OUTSIDE:

(1) A MUNICIPALITY; OR

(2) A COMMUNITY WITH AT LEAST 500 RESIDENTS IN A 1-MILE RADIUS.

(C) EXCEPTIONS.

SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO:

(1) A RESTAURANT THAT DERIVES MORE THAN 50% OF ITS AVERAGE MONTHLY GROSS RECEIPTS FROM SALES OTHER THAN ALCOHOLIC BEVERAGES; OR

(2) A HOTEL OR MOTEL THAT HAS AT LEAST 20 ROOMS REGULARLY FOR HIRE AND THAT OFFERS MEALS FOR SALE AS A REGULAR AND SUBSTANTIAL PART OF ITS BUSINESS.

(D) REISSUANCE, RENEWAL, OR TRANSFER OF LICENSE.

A LICENSE ISSUED UNDER SUBSECTION (C) OF THIS SECTION MAY NOT BE REISSUED, RENEWED, OR TRANSFERRED IF THE LICENSE HOLDER FAILS TO CONTINUE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-202(c).

In the introductory language of subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in the introductory language of subsection (b) of this section, the term “establishment” is used to encompass the former reference to a “location or business” to conform to the terminology used throughout this article.

Also in the introductory language of subsection (b) of this section, the reference to a person whose establishment is “outside” a municipality or a community with at least 500 residents is substituted for the former reference to a person whose establishment is “in any part of the county except” a municipality or a community with at least 500 residents for clarity.

In subsection (b)(1) of this section, the reference to a “municipality” is substituted for the former reference to “incorporated towns and cities” to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the former reference to “bona fide” residents is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to “lodging” rooms is deleted as surplusage.

Also in subsection (c)(2) of this section, the former reference to rooms “or units regularly for hire as such” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 9–101

“Hotel” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

9–1604. LIMIT ON CLASS C LICENSES.

NOT MORE THAN 60 CLASS C LICENSES MAY BE IN EXISTENCE AT ANY ONE TIME.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–202(g).

The former reference to Class C licenses “issued for the retail sale of alcoholic beverages” is deleted as surplusage.

9–1605. PROHIBITION AGAINST CHAIN STORES, SUPERMARKETS, AND DISCOUNT HOUSES.

A CLASS A, CLASS B, OR CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED FOR, TRANSFERRED TO, USED IN CONJUNCTION WITH, USED AT A LOCATION HAVING A DIRECT OR INDIRECT CONNECTION WITH, OR USED AT THE LOCATION OF:

- (1) A CHAIN STORE;**
- (2) A SUPERMARKET; OR**
- (3) A DISCOUNT HOUSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–202(i).

In the introductory language of this section, the reference to the “location” is substituted for the former reference to the “premises” for clarity.

Also in the introductory language of this section, the former reference to a license being “granted” is deleted as unnecessary in light of the reference to a license being “issued”.

Also in the introductory language of this section, the former phrase “access to” is deleted as redundant of the reference to “connection with”.

Also in the introductory language of this section, the former phrase “any food, drug or pharmaceutical, or other business establishment of the type commonly known as” a chain store, supermarket, or discount house is deleted as surplusage.

9–1606. STREET FRONTAGE AND UNOBSTRUCTED VIEW.

- (A) STREET FRONTAGE REQUIRED.**

EXCEPT FOR A CLUB, HOTEL, OR MOTEL, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT DOES NOT FRONT ON A PUBLIC STREET.

- (B) FULL VIEW REQUIRED.**

A BLIND OR AN OBSTRUCTION MAY NOT PREVENT AN INDIVIDUAL PASSING ALONG THE STREET FROM HAVING A FULL VIEW OF THE LICENSED PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–202(d).

In subsection (a) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in subsection (a) of this section, the reference to “an establishment” is substituted for the former reference to “premises” to conform to the terminology used throughout this article.

In subsection (b) of this section, the reference to “individual[s]” is substituted for the former reference to “persons” because only human beings may have a view of an object.

Former Art. 2B, § 9–202(a), which stated that Art. 2B, § 9–202 applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101

“Club” § 1–101

“Hotel” § 1–101

“License” § 1–101

9–1607. RESERVED.

9–1608. RESERVED.

PART II. MULTIPLE LICENSING PLANS.

9–1609. RESERVED.

SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.

9–1701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND

(3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 9-1702 OF THIS SUBTITLE; AND

(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 9-1703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 9-101
“License” § 1-101

9-1702. PAYMENT OF TAXES.

THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE BOARD IS PRESENTED WITH A RECEIPT OR CERTIFICATE FROM THE DIRECTOR OF FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE THE COUNTY OR THE STATE ARE PAID.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(b)(3).

The reference to a requirement to show that “all personal property taxes due the County or the State are paid” is substituted for the former requirement to show that “there are no unpaid taxes due to Allegany County or the State of Maryland on the merchandise, fixtures, or stock of the transferor” for clarity and consistency. *See, e.g.* § 12-1502 of this article.

The former phrase “within its jurisdiction” is deleted as unnecessary because the authority of the Board does not extend outside of its jurisdiction.

Defined terms: “Board” § 9-101
“County” § 9-101

“License” § 1–101

“State” § 1–101

9–1703. FEE.

THE FEE FOR A TRANSFER OF A LICENSE IS \$200.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(b)(2).

The former reference to an “assignment” of a license is deleted as included in the reference to a “transfer” of a license.

Former Art. 2B, § 10–503(b)(1), which stated that former Art. 2B, § 10–503(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “License” § 1–101

9–1704. POPULATION RESTRICTION FOR TRANSFER OF CERTAIN CLASS A, CLASS B, AND CLASS D LICENSES.

THE BOARD MAY NOT TRANSFER A LICENSE THAT IS ISSUED UNDER § 9–1603 OF THIS TITLE UNLESS THE LICENSE HOLDER CONTINUES TO COMPLY WITH THE REQUIREMENTS OF § 9–1602 OF THIS TITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 9–202(c)(2), as it related to the transfer of a license.

The reference to “a license that is issued under § 9–1603 of this title” is substituted for the former reference to “[a]ny license issued under this exception to a restaurant, hotel, or motel” to reflect the revision of the first sentence of former Art. 2B, § 9–202(c)(2) in § 9–1603 of this title. Similarly, the reference to the requirements of “§ 9–1602 of this title” is substituted for the former reference to the requirements of “this section”.

Defined terms: “Board” § 9–101

“License” § 1–101

“License holder” § 1–101

SUBTITLE 18. RENEWAL OF LICENSES.

9–1801. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 9–101
“License” § 1–101

9–1802. HOLDERS OF OUT–OF–STATE LICENSES.

NOTWITHSTANDING § 9–1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(1), as it related to the renewal of a license by a person who holds an out–of–state license.

The phrase “[n]otwithstanding § 9–1502 of this title,” is added to clarify that this section is an exception to § 9–1502.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out–of–state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out–of–state license for clarity and to avoid the implication that a licensee can obtain an out–of–state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101
“Beer” § 1–101
“Board” § 9–101
“State” § 1–101
“Wine” § 1–101

SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.

9–1901. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4-508 (“DISPLAY OF LICENSE”).**

(B) VARIATION.

SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 9-1902 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 9-101

“License” § 1-101

“License holder” § 1-101

9-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.

(A) FOR GENERAL PURPOSE OF EMPLOYMENT.

A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL BETWEEN THE AGES OF 18 AND 21 YEARS.

(B) TO SELL OR SERVE BEER AND LIGHT WINE.

TO BE ALLOWED TO SELL OR SERVE BEER AND LIGHT WINE, AN INDIVIDUAL SHALL BE AT LEAST 18 YEARS OLD.

(C) TO SELL OR SERVE LIQUOR.

TO BE ALLOWED TO SELL OR SERVE LIQUOR, AN INDIVIDUAL SHALL BE AT LEAST 21 YEARS OLD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(b).

Throughout this section, the references to an “individual” are substituted for the former overly broad references to a “person” because this section applies only to human beings.

In subsection (b) of this section, the phrase “at least 18 years old” is substituted for the former phrase “between ages 18 and 21 years” to conform to the terminology used in subsection (c) of this section. Similarly, in subsection (b) of this section, the phrase “[t]o be allowed to sell or serve beer and light wine” is substituted for the former phrase “may sell or serve beer and light wine”.

In subsection (c) of this section, the reference to “liquor” is substituted for the former reference to “distilled spirits” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101
“License holder” § 1–101
“Wine” § 1–101

9–1903. UNDERAGE INDIVIDUALS AT FUNCTIONS HELD ON CLASS C OR CLASS D LICENSED PREMISES.

(A) PRESENCE OF INDIVIDUALS UNDER THE AGE OF 21 YEARS.

SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, A CLASS C OR CLASS D LICENSE HOLDER MAY ALLOW INDIVIDUALS UNDER THE AGE OF 21 YEARS ON THE PREMISES TO HOLD OR ATTEND A DANCE OR OTHER FUNCTION AT WHICH INDIVIDUALS UNDER THE AGE OF 21 YEARS MAY BE PRESENT.

(B) ALCOHOLIC BEVERAGES PROHIBITED TO BE SOLD OR PRESENT.

ALCOHOLIC BEVERAGES MAY NOT BE SOLD AT THE FUNCTION OR BE PRESENT IN THE ROOM WHERE THE FUNCTION IS HELD.

(C) ADULT SUPERVISION REQUIRED.

THE SPONSOR OF THE FUNCTION SHALL PROVIDE ADULT SUPERVISION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(i).

Throughout this section, the references to an “individual” are substituted for the former overly broad references to a “person” because this section applies only to human beings.

In subsection (b) of this section, the word “in” is substituted for the former word “within” for clarity.

In subsection (c) of this section, the former reference to “appropriate” adult supervision is deleted as surplusage.

Also in subsection (c) of this section, the former reference to adult supervision “at the function” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

9–1904. SALE OF ALCOHOLIC BEVERAGES BY RETAIL DEALERS.

(A) IN GENERAL.

A RETAIL DEALER MAY NOT EXTEND CREDIT TO A CUSTOMER.

(B) NO SUITS BASED ON ALCOHOLIC BEVERAGES SOLD ON CREDIT.

A SUIT MAY NOT BE MAINTAINED BY A RETAIL DEALER AGAINST A PERSON FOR ALCOHOLIC BEVERAGES THAT HAVE BEEN SOLD ON CREDIT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(h).

In subsection (a) of this section, the reference to the prohibition against a retail dealer extending credit to a customer is substituted for the former statement that all sales of alcoholic beverages by retail dealers shall be for cash only, for clarity and to avoid the erroneous interpretation that a retail dealer may not accept payment by means other than cash (*e.g.*, credit card).

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

9–1905. SIGNAGE PROHIBITING LIQUOR SALES.

(A) TO BE POSTED ON PREMISES OF LICENSE HOLDER NOT AUTHORIZED TO SELL LIQUOR.

AN ESTABLISHMENT LICENSED FOR THE SALE OF BEER OR OF BEER AND WINE SHALL POST AT LEAST FOUR CONSPICUOUS NOTICES ON THE LICENSED PREMISES, INCLUDING A BUILDING, A PARKING LOT, A TERRACE, OR GROUNDS THAT ARE AN INTEGRAL PART OF THE LICENSED PREMISES, STATING “UNLAWFUL TO DRINK OR DISPLAY LIQUOR ON THESE PREMISES.”.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-201(j)(3) and (4) and (k).

In subsection (b) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

Also in subsection (b) of this section, the former phrase “upon indictment” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to “[a]ny licensee or other” person is deleted as included in the defined term “person”.

Defined terms: “Beer” § 1-101

“Person” § 1-101

“Wine” § 1-101

SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.

9-2001. HOURS WHEN CONSUMING ALCOHOLIC BEVERAGES IS PROHIBITED.

(A) PROHIBITION AGAINST INDIVIDUAL.

(1) UNLESS OTHERWISE PROVIDED UNDER THIS TITLE, FROM 1 A.M. TO 7 A.M. ON MONDAY THROUGH SATURDAY AND AFTER 1 A.M. ON SUNDAY, AN

INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.

(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES THAT IS PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(b)(1)(iii), (iv), and (v) and (4).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to a “premises licensed under this title” is substituted for the former references to any “[p]remises open to the general public”, “[p]lace operated as a club”, “[p]lace of public entertainment”, and “[p]lace at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of this article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the former minimum penalty of \$50 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101
“Person” § 1–101

9–2002. BEER LICENSES.

(A) CLASS A BEER LICENSE.

EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.

(B) CLASS B BEER LICENSE.

RESERVED.

(C) CLASS C BEER LICENSE.

(1) EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER:

(I) ON MONDAY THROUGH SATURDAY, FOR ON–PREMISES AND OFF–PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;

(II) ON SUNDAY, FOR ON–PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:

1. PAYS AN ADDITIONAL FEE OF \$250; OR

2. IS ISSUED A 2–DAY SUNDAY SALES PERMIT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE BOARD MAY ISSUE A 2–DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS C BEER LICENSE.

(II) AN APPLICANT FOR A 2–DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.

(III) A 2–DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER FOR ON–PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.

(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.

(D) CLASS D BEER LICENSE.

(1) EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:

(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;

(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:

1. PAYS AN ADDITIONAL FEE OF \$250; AND

2. IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR

(III) IN ACCORDANCE WITH A 2-DAY SUNDAY SALES PERMIT ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS D BEER LICENSE.

(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.

(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.

(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-501(a), (c), and (b)(2) and, as it related to beer licenses, (1).

In this section and throughout this subtitle, the permissible hours of sale for a holder of the particular license that is the subject of the section – in this case, the beer licenses – are stated rather than the prohibited hours of sale for “any person having a license under this article” for clarity and to conform to the organizational scheme of this subtitle.

In this section, the references to “beer” are substituted for the former references to the broader term “intoxicating beverages” in accordance with the scope of this section.

In subsection (d)(1)(ii)2 of this section, the former definition of “restaurant” is incorporated into the substantive law for brevity and to avoid possible confusion because “restaurant” is a term defined for the entire article, but the word has a somewhat different meaning in this section.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“License” § 1–101

9–2003. BEER AND LIGHT WINE LICENSES.

(A) CLASS A BEER AND LIGHT WINE LICENSE.

EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.

(B) CLASS B BEER AND LIGHT WINE LICENSE.

RESERVED.

(C) CLASS C BEER AND LIGHT WINE LICENSE.

(1) EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:

(I) ON MONDAY THROUGH SATURDAY, FOR ON–PREMISES AND OFF–PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;

(II) ON SUNDAY, FOR ON–PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:

1. PAYS AN ADDITIONAL FEE OF \$250; OR

2. IS ISSUED A 2–DAY SUNDAY SALES PERMIT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE BOARD MAY ISSUE A 2–DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE.

(II) AN APPLICANT FOR A 2–DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.

(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER AND LIGHT WINE FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.

(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.

(D) CLASS D BEER AND LIGHT WINE LICENSE.

(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:

(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;

(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:

1. PAYS AN ADDITIONAL FEE OF \$250; AND

2. IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR

(III) IN ACCORDANCE WITH A 2-DAY SUNDAY SALES PERMIT ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE.

(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.

(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER AND LIGHT WINE FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.

(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–501(a), (c), and (b)(2) and, as it related to beer and light wine licenses, (1).

In this section and throughout this subtitle, the permissible hours of sale for a holder of the particular license that is the subject of the section – in this case, the beer and light wine licenses – are stated rather than the prohibited hours of sale for “any person having a license under this article” for clarity and to conform to the organizational scheme of this subtitle.

In this section, the references to “beer and light wine” are substituted for the former references to the broader term “intoxicating beverages” in accordance with the scope of this section.

In subsection (d)(1)(ii)2 of this section, the former definition of “restaurant” is incorporated into the substantive law for brevity and to avoid possible confusion because “restaurant” is a term defined for the entire article, but the word has a somewhat different meaning in this section.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“License” § 1–101

“Wine” § 1–101

9–2004. BEER, WINE, AND LIQUOR LICENSES.

(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.

EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR OFF–PREMISES CONSUMPTION ON MONDAY THROUGH SATURDAY FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.

(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) ON MONDAY THROUGH SATURDAY, FOR ON–PREMISES AND OFF–PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;

(II) ON SUNDAY, FOR ON–PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:

1. PAYS AN ADDITIONAL FEE OF \$250;

2. IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR

3. IS ISSUED A 2-DAY SUNDAY SALES PERMIT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE, INCLUDING A CLASS B BEER, WINE, AND LIQUOR LICENSE ISSUED FOR USE IN A RESTAURANT OR BANQUET ROOM IN A HOTEL OR MOTEL.

(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.

(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.

(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.

(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;

(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:

1. PAYS AN ADDITIONAL FEE OF \$250; OR

2. IS ISSUED A 2-DAY SUNDAY SALES PERMIT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE.

(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.

(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.

(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.

(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;

(II) ON SUNDAY, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:

1. PAYS AN ADDITIONAL FEE OF \$250; AND

2. IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR

(III) IN ACCORDANCE WITH A 2-DAY SUNDAY SALES PERMIT ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE.

(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.

(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.

(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-501(a), (c), and (b)(2) and, as it related to beer, wine, and liquor licenses, (1).

In this section and throughout this subtitle, the permissible hours of sale for a holder of the particular license that is the subject of the section – in this case, beer, wine, and liquor licenses – are stated rather than the prohibited hours of sale for “any person having a license under this article” for clarity and to conform to the organizational scheme of this part.

In this section, the references to “beer, wine, and liquor” are substituted for the former references to the broader term “intoxicating beverages” in accordance with the scope of this subtitle.

In subsections (b)(1)(ii)2 and (d)(1)(ii)2 of this section, references to the former definition of “restaurant” are incorporated into the substantive law for brevity and to avoid possible confusion because “restaurant” is a term defined for the entire article, but the word has a somewhat different meaning in this section.

Also in subsections (b)(1)(ii)2 and (d)(1)(ii)2 of this section, the former references to “[e]xcept as provided under § 6-201(b) of this article for purposes of this section” are deleted as surplusage.

In subsection (b)(2)(i) of this section, the former reference to a license issued for use in a restaurant or banquet room in a hotel or motel “as provided under § 6-201(b) of this article” is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Board” § 9-101

“Hotel” § 1-101

“License” § 1-101

“Wine” § 1-101

9-2005. HOURS FOR DECEMBER 31 AND JANUARY 1.

THE BOARD SHALL DETERMINE THE HOURS OF SALE FOR DECEMBER 31 AND JANUARY 1, REGARDLESS OF THE DAYS OF THE WEEK ON WHICH THOSE DATES FALL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(b)(2).

The reference to “hours of sale” is substituted for the former reference to “the hour at which establishments serving alcoholic beverages must cease sales” for brevity.

The phrase “for December 31 and January 1” is substituted for the former phrase “on New Year’s Eve Day and on New Year’s Day” for clarity.

The former reference to the Board determining “within their sole discretion” is deleted as surplusage.

Former Art. 2B, § 11–402(a), which stated that former Art. 2B, § 11–402 applied “primarily to January 1 of each year, New Year’s Day but may also apply to December 24 and 31, as specified for each jurisdiction”, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–402(b)(1), which stated that former Art. 2B, § 11–402(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–403(b)(4), which stated that Sunday sales when New Year’s Eve or New Year’s Day falls on a Sunday are governed by former § 11–402(b), is deleted as surplusage.

Defined term: “Board” § 9–101

9–2006. ELECTION DAY.

A LICENSE HOLDER WHOSE PREMISES ARE ALSO USED AS A POLLING PLACE MAY NOT EXERCISE ANY PRIVILEGE CONFERRED BY THAT LICENSE ON THE DAY OF AN ELECTION WHEN THE POLLS ARE OPEN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–401(b)(1).

Former Art. 2B, § 11–401(b)(2) through (24), which listed all of the jurisdictions exempt from the general prohibition, is deleted as unnecessary because the general prohibition applies only to Talbot County and is revised in § 30–2005 of this article.

Defined terms: “License” § 1–101

“License holder” § 1–101

SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.

9-2101. APPLICATION OF GENERAL PROVISIONS.**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”); AND

(2) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”).

(B) EXCEPTION.

SECTION 4-606 (“EFFECTS OF REVOCATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 9-2105 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”), SUBJECT TO §§ 9-2102 AND 9-2103 OF THIS SUBTITLE; AND

(2) § 4-604 (“GROUND FOR REVOCATION OR SUSPENSION”), SUBJECT TO § 9-2104 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(1), which stated that the provisions of former § 10-405, which related to nudity and sexual displays, applied to Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 9-101

“License” § 1-101

“Local licensing board” § 1-101

9-2102. PROCEDURES TO INITIATE COMPLAINT.

IN ADDITION TO THE REVOCATION AND SUSPENSION PROCEDURES PROVIDED UNDER § 4–603(A) OF THIS ARTICLE, A COMPLAINT MAY BE MADE BY AT LEAST 10 PERSONS IN THE VICINITY OF THE LICENSED PREMISES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–403(b).

The phrase “[i]n addition to the revocation and suspension procedures provided under § 4–603(a) of this article,” is added for clarity.

The reference to the vicinity “of the licensed premises” is substituted for the former reference to the vicinity “in which any licensed place of business is situated” for brevity and to conform to the terminology used throughout this article.

Defined term: “Person” § 1–101

9–2103. ADMISSIBLE EVIDENCE IN HEARING.

IN A HEARING ON A COMPLAINT FOR REVOCATION OR SUSPENSION OF A LICENSE, ADMISSIBLE EVIDENCE INCLUDES THE GENERAL REPUTATION OF:

- (1) THE APPLICANT OR LICENSE HOLDER;**
- (2) THE ESTABLISHMENT; AND**
- (3) THE INDIVIDUALS WHO CONGREGATE AT THE ESTABLISHMENT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(c)(3), as it related to complaints for revocation or suspension.

In the introductory language of this section, the reference to a “complaint for revocation or suspension” is substituted for the former reference to “remonstrances” for clarity.

In item (2) of this section, the reference to the “establishment” is substituted for the former reference to the “place of business” to conform to the terminology used throughout this article.

Defined terms: “License” § 1–101
“License holder” § 1–101

9–2104. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.

IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION PROVIDED UNDER § 4-604 OF THIS ARTICLE, THE BOARD SHALL REVOKE OR SUSPEND A LICENSE FOR CONVICTION OF THE LICENSE HOLDER'S AGENT OR EMPLOYEE FOR A VIOLATION OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-401(b).

The phrase "[i]n addition to the grounds for revocation or suspension provided under § 4-604 of this article," is added for clarity.

The former reference to "the licensee" is deleted as included under § 4-604 of this article.

The former reference to "any one or more of the clerks ... and servants" is deleted as included in the reference to "agent or employee".

The former reference to a violation "on the part of any such persons of any of the provisions" of this article is deleted as surplusage.

Defined terms: "Board" § 9-101

"License" § 1-101

"License holder" § 1-101

9-2105. EFFECTS OF REVOCATION.

IF A LICENSE IS REVOKED BECAUSE THE LICENSE HOLDER WAS CONVICTED OF VIOLATING THIS ARTICLE OR A PROVISION OF THE TAX – GENERAL ARTICLE THAT RELATES TO THE ALCOHOLIC BEVERAGE TAX, THE BOARD MAY NOT ISSUE A LICENSE TO THE FORMER LICENSE HOLDER OR FOR THE PREMISES WITHIN 1 YEAR AFTER THE CONVICTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-404(b).

The reference to 1 year "after the conviction" is substituted for the former reference to 1 year "thereafter" for clarity.

The reference to the "former license holder" is substituted for the former reference to the "same person" for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 9-101

"License" § 1-101

"License holder" § 1-101

SUBTITLE 22. EXPIRATION OF LICENSES.**9-2201. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

SECTION 4-702(A) (“ON DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4-702(B) (“AFTER VACATION OF OR EVICTION FROM PREMISES”);

(2) § 4-703 (“PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS”);

(3) § 4-704 (“LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE”);
AND

(4) § 4-705 (“POSTPONEMENT TO AVOID HARDSHIP”).

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 9-101

“License” § 1-101

“License holder” § 1-101

9-2202. PERIOD FOR WHICH LICENSE MAY BE CONSIDERED UNEXPIRED.**(A) 180-DAY RULE.**

A LICENSE EXPIRES 180 DAYS AFTER THE LICENSE HOLDER HAS CLOSED THE BUSINESS OR STOPPED ACTIVE ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD UNLESS:

(1) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING;

(2) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 23 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING; OR

(3) A WRITTEN REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION IS FILED WITHIN THE 180-DAY PERIOD.

(B) APPLICATION FOR HARDSHIP EXTENSION.

(1) THE LICENSE HOLDER OR ANOTHER APPROPRIATE INTERESTED PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD TO EXTEND THE LIFE OF THE LICENSE DUE TO HARDSHIP.

(2) THE BOARD MAY GRANT THE EXTENSION IF THE BOARD FINDS AFTER A HEARING THAT EXISTING HARDSHIP CAUSED THE CLOSING OR STOPPING OF BUSINESS OPERATIONS.

(3) AN EXTENSION MAY NOT PROLONG THE LIFE OF THE LICENSE BEYOND 360 DAYS AFTER THE DATE OF CLOSING OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD.

(C) START AND RESTART OF UNEXPIRED PERIOD.

(1) THE PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED UNEXPIRED:

(I) BEGINS AT THE EARLIER OF THE CLOSING OF THE BUSINESS OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS; AND

(II) MAY BE SUSPENDED ONLY BY FILING AN APPLICATION OR REQUEST UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE EXPIRATION PERIOD RESUMES ON THE LAST TO OCCUR OF THE FOLLOWING EVENTS:

(I) FINAL ACTION OF THE BOARD GRANTING OR DENYING A REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION;

(II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION DESCRIBED IN SUBSECTION (A)(1) OR (2) OF THIS SECTION;

(III) FINAL JUDGMENT OF THE REVIEWING COURT IF JUDICIAL REVIEW OF THE BOARD’S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY SUBSECTION (A) OR (B) OF THIS SECTION HAS BEEN GRANTED; OR

(IV) DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF THE BOARD’S ACTION.

(3) IF AN APPLICATION OR REQUEST DESCRIBED IN SUBSECTION (A) OR (B) OF THIS SECTION IS WITHDRAWN:

(I) THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE MAY NOT BE SUSPENDED; AND

(II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED AS IF IT HAD NOT BEEN FILED.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–504(h)(2) through (4), (5)(ii), and (6).

In the introductory language of subsection (a) and in subsection (b)(3) of this section, the references to stopping alcoholic beverages business operations “at the premises” for which the license is held are substituted for the former references to stopping alcoholic beverages business operations “of the business” for which the license is held to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the reference to “a certificate of permission or a renewal license for continuation of business” is added for clarity.

In subsection (b)(1) and (2) of this section, the former references to “undue” hardship are deleted as surplusage.

In subsection (b)(3) of this section, the requirement that an extension does not “prolong the life of the license beyond 360 days” after the closing or stopping of business operations is substituted for the former reference to a request for an extension “for a time period of no more than a cumulative period of 360 days” after the closing or stopping of business for brevity.

In the introductory language of subsection (c)(1) of this section, the reference to the period “for which a license may be considered unexpired” is added for clarity.

Also in the introductory language of subsection (c)(1) of this section, the former reference to a “time” period is deleted as surplusage.

In subsection (c)(1)(ii) and (3)(i) of this section, the references to a period that may or may not be “suspended” are substituted for the former references to a period that may or may not be “toll[ed]” for clarity.

In the introductory language of subsection (c)(2) of this section, the former phrase “cumulatively to the time period before the filing of the application or request” is deleted as implicit in the word “resumes”.

In subsection (c)(2)(iii) of this section, the reference to judicial review being “granted” is substituted for the former reference to judicial review being “sought” for accuracy in light of subsection (c)(2)(iv) of this section that relates to “dismissal” of a petition for judicial review.

Former Art. 2B, § 10–504(h)(1)(i), which stated that former Art. 2B, § 10–504(h) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–504(h)(1)(ii), which defined “Board” to mean the Board of License Commissioners for Allegany County, is deleted in light of the same term defined in § 9–101 of this title.

Former Art. 2B, § 10–504(h)(5)(i), which stated the intent for the total period of time for which a license may be deemed unexpired, is deleted as unnecessary in light of subsections (a) and (b) of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 9–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

SUBTITLE 23. DEATH OF LICENSE HOLDER.

9–2301. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 9–101

“License holder” § 1–101

SUBTITLE 24. JUDICIAL REVIEW.

9–2401. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 9–101

SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**9–2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.****(A) PROHIBITION AGAINST INDIVIDUAL.**

(1) AN INDIVIDUAL MAY NOT POSSESS OR CONSUME AN ALCOHOLIC BEVERAGE DURING THE HOURS STATED IN PARAGRAPH (2) OF THIS SUBSECTION IN AN ESTABLISHMENT THAT:

(I) IS NOT LICENSED BY THE BOARD; BUT

(II) IS:

1. A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, OR DISCO;

2. A PLACE OF PUBLIC ENTERTAINMENT;

3. A PLACE OPEN TO THE PUBLIC;

4. A PLACE THAT IS LICENSED BY THE STATE OR THE COUNTY; OR

5. A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS ARE SOLD.

(2) THE PROHIBITION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS IN EFFECT:

(I) FROM MONDAY TO SATURDAY, FROM 1 A.M. TO 7 A.M.; AND

(II) ON SUNDAY, AFTER 1 A.M.

(B) PROHIBITION AGAINST OWNER OR MANAGER.

AN OWNER OR A MANAGER OF AN ESTABLISHMENT UNDER SUBSECTION (A) OF THIS SECTION MAY NOT ALLOW CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES THAT IS PROHIBITED UNDER THIS SECTION.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(b)(1)(ii) and (iii), (2), and (4).

In subsection (a)(1) of this section, the reference to an “establishment” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

In subsection (a)(1)(i) of this section, the phrase “by the Board” is substituted for the former phrase “under this article” for clarity.

In subsection (a)(1)(ii)3 of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$50 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Former Art. 2B, § 11–304(b)(1)(i), which provided that former Art. 2B, § 11–304(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 9–101

“Club” § 1–101

“County” § 9–101

“Person” § 1–101

“Restaurant” § 1–101

“State” § 1–101

SUBTITLE 26. ENFORCEMENT.**9-2601. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6-202 (“INSPECTIONS”);
- (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);
- (3) § 6-204 (“POWER TO SUMMON WITNESSES”);
- (4) § 6-205 (“PEACE OFFICERS”);
- (5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);
- (6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);
- (7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”); AND
- (8) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”), SUBJECT TO § 9-2602 OF THIS SUBTITLE; AND
- (2) § 6-211 (“FINES AND FORFEITURES”), SUBJECT TO § 9-2603 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 9-101

"State" § 1-101

9-2602. AUTHORITY OF MUNICIPALITY TO REGULATE LICENSE HOLDERS.

A MUNICIPALITY IN THE COUNTY MAY PASS AN ORDINANCE CONSISTENT WITH THIS ARTICLE TO REGULATE LICENSE HOLDERS LOCATED WITHIN THE LIMITS AND UP TO 1 MILE BEYOND THE LIMITS OF THE MUNICIPALITY TO ASSIST IN THE ENFORCEMENT OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-411.

The phrase "to regulate all license holders" is substituted for the former phrase "providing for the regulations and control of all licensees under this article" for brevity.

The phrase "located up to 1 mile beyond the limits of the municipality" is substituted for the former phrase "which shall be situate within the limits of the said city, town or municipality, or within one mile thereof" for brevity and clarity.

Defined terms: "County" § 9-101

"License holder" § 1-101

9-2603. DISTRIBUTION OF FINES.

FINES IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS FOLLOWS:

(1) ONE-HALF OF EACH FINE AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE; AND

(2) (I) IF THE OFFENSE IS COMMITTED IN A MUNICIPALITY, ONE-QUARTER TO THE MUNICIPALITY AND ONE-QUARTER TO THE COUNTY; OR

(II) IF THE OFFENSE IS COMMITTED OUTSIDE OF A MUNICIPALITY, ONE-HALF TO THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-502(b).

In item (2)(i) of this section, the former phrase “as the case may be” is deleted as surplusage.

Defined term: “County” § 9–101

SUBTITLE 27. PROHIBITED ACTS.

9–2701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**
- (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**
- (3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6–310 (“PROVIDING FREE FOOD”);**
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**
- (8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**
- (9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**
- (10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**
- (11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**

(12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(13) § 6-320 (“DISORDERLY INTOXICATION”);

(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);

(16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(18) § 6-327 (“TAX EVASION”);

(19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(20) § 6-329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 9-2702 OF THIS SUBTITLE; AND

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 9-2703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 9-101

“License holder” § 1-101

“Retail dealer” § 1-101

9-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT OF THE STATE.

(B) DUE CAUTION STANDARD FOR NONRESIDENTS.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:

(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND

(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.

(C) PENALTY.

A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER WHO VIOLATES § 6-304 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(D) BAR TO ADMINISTRATIVE ACTION.

THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(i)1, (ii), and (iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “finder of fact” is substituted for the former reference to the “jury or the court sitting as a jury” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted as surplusage.

In subsection (c) of this section, the reference to “imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both” is substituted for the former reference to “[t]he penalties provided by § 16–503 of [former Article 2B]” for clarity.

In subsection (d) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (d) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (d) of this section, the former phrase “[e]xcept as otherwise provided in this section,” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101

“License holder” § 1–101

“State” § 1–101

9–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT OF THE STATE.

(B) PENALTY.

A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER WHO VIOLATES § 6–307 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(C) BAR TO ADMINISTRATIVE ACTION.

THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(i)1 and (iv).

In subsection (b) of this section, the reference to “imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both” is substituted for the former reference to “[t]he penalties provided by § 16–503 of [former Article 2B]” for clarity.

In subsection (c) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (c) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section,” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101

“License holder” § 1–101

“State” § 1–101

9–2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.

(A) “KNOWINGLY” DEFINED.

IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.

(B) PROHIBITED.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:

(1) A HABITUAL DRUNKARD;

(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR

(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.

(C) PENALTY.

A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–110(a), except as it related to the specific penalty, and, as it related to Allegany County, (b).

In subsection (a) of this section, the former reference to the definition of knowingly applying “as to habitual drunkards” is deleted as surplusage.

In subsection (b) of this section, the defined term “alcoholic beverage” is substituted for the former references to “intoxicating beverages” for clarity and consistency with the terminology used throughout this article.

Also in subsection (b) of this section, the former references to “barter” and “furnish” are deleted as included in the references to “sell” and “provide”.

In subsection (b)(2) of this section, the reference to an individual with an “intellectual disability” is substituted for the former reference to a “mentally deficient” person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term “mentally retarded” in the Code with “intellectual disability”.

In subsection (b)(3) of this section, the reference to a “family member or guardian” is substituted for the former reference to “parent or parents, guardian, husband, wife, son, daughter, brother, or sister” for brevity.

Also in subsection (b)(3) of this section, the reference to “an employee of the license holder” is added for consistency within this subsection.

In subsection (c) of this section, the former references to imprisonment “in the county jail, or house of correction” and to both fine and imprisonment “in the discretion of the court” are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the license holder’s employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6–402 of this article.

Defined terms: “Alcoholic beverage” § 1–101
“License holder” § 1–101

9–2705. GAMBLING ON PREMISES.

(A) PROHIBITED.

A LICENSE HOLDER MAY NOT ALLOW GAMBLING THAT IS PROHIBITED BY LAW ON THE LICENSED PREMISES.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(e) and (k).

In subsection (a) of this section, the former reference to “or gaming” is deleted as included in the reference to “gambling”.

In subsection (b) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which was only implied in the

former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

Also in subsection (b) of this section, the former phrase “upon indictment” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to “[a]ny licensee or other” person is deleted as included in the defined term “person”.

Former Art. 2B, § 12–201(a), which stated that the provisions of Art. 2B, § 12–201 applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License holder” § 1–101
“Person” § 1–101

9–2706. LEASE OF LICENSE PRIVILEGE.

(A) PROHIBITED.

A LICENSE HOLDER WHOSE LICENSE HAS THE PRIVILEGE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES BY CLUBS MAY NOT LEASE THE PRIVILEGE TO A PERSON WHO, BY AN AGREEMENT WITH THE LICENSE HOLDER, MAY MAKE A PROFIT FROM THE LICENSE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(g) and (k).

In subsection (b) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

Also in subsection (b) of this section, the former phrase “upon indictment” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to “[a]ny licensee or other” person is deleted as included in the defined term “person”.

Defined terms: “Alcoholic beverage” § 1–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

9–2707. DISORDERLY CONGREGATION ON PREMISES.

(A) PROHIBITED.

A LICENSE HOLDER MAY NOT ALLOW DISORDERLY OR DISREPUTABLE INDIVIDUALS TO CONGREGATE ON THE LICENSED PREMISES.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(f) and (k).

In subsection (a) of this section, the word “individuals” is substituted for the former word “persons” because this section applies only to human beings.

Also in subsection (a) of this section, the phrase “on the licensed premises” is substituted for the former phrase “at the place for which such license is granted” for brevity.

In subsection (b) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

Also in subsection (b) of this section, the former phrase “upon indictment” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to “[a]ny licensee or other” person is deleted as included in the defined term “person”.

Defined terms: “License holder” § 1–101
“Person” § 1–101

9–2708. LOITERING.

(A) PROHIBITED.

A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS NOT A CONSUMER TO LOITER ABOUT THE PLACE OF BUSINESS FOR WHICH THE LICENSE IS ISSUED.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(c) and (k).

In subsection (a) of this section, the reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Also in subsection (a) of this section, the defined term “consumer” is substituted for the former reference to an individual who is not “designated under § 1–102(a)(6) of this article” for clarity. Former Art. 2B, § 1–102(a)(6) defined “consumer”.

Also in subsection (a) of this section, the former reference to “loaf[ing]” is deleted as included in the reference to “loiter[ing]”.

In subsection (b) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

Also in subsection (b) of this section, the former phrase “upon indictment” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to “[a]ny licensee or other” person is deleted as included in the defined term “person”.

Defined terms: “Consumer” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

9–2709. UNLAWFUL DISPLAY OR CONSUMPTION OF OTHER ALCOHOLIC BEVERAGES.

(A) IN GENERAL.

A PERSON MAY NOT DISPLAY OR CONSUME IN A LICENSED ESTABLISHMENT ANY ALCOHOLIC BEVERAGE OTHER THAN THOSE THAT THE LICENSE HOLDER OF THE LICENSED ESTABLISHMENT MAY SELL.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(j)(1) and (2).

In subsection (a) of this section, the reference to a “licensed establishment” is substituted for the former reference to a “bar, restaurant, tavern or any other licensed place” for brevity.

Also in subsection (a) of this section, the reference to “consum[ing]” is substituted for the former reference to “drink[ing]” to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the former reference to “lawfully” selling is deleted as unnecessary.

In subsection (b) of this section, the former reference to a fine “not less than \$25” is deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Person” § 1–101

SUBTITLE 28. PENALTIES.

9–2801. APPLICATION OF GENERAL PROVISIONS.**(A) WITHOUT EXCEPTION OR VARIATION.**

SECTION 6–402(B) (“GENERAL PENALTY — IMPOSITION OF PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

(B) EXCEPTION.

SECTION 6–402(A) (“GENERAL PENALTY — IN GENERAL”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 9–2802 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 9–101

9–2802. GENERAL PENALTY.

A PERSON WHO VIOLATES A PROVISION OF THIS ARTICLE FOR WHICH NO OTHER PENALTY IS PROVIDED IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(b)(1)(ii).

The reference to being “guilty of a misdemeanor” is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

The former phrase “in the discretion of the court” is deleted as surplusage.

Defined term: “Person” § 1–101

9–2803. PENALTY IMPOSED BY BOARD.**(A) AUTHORIZATION.**

THE BOARD MAY REVOKE OR SUSPEND A LICENSE OR IMPOSE A FINE ON A LICENSE HOLDER WHO VIOLATES THIS ARTICLE.

(B) CONDITIONS.

(1) IN LIEU OF SUSPENSION, THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500, WHICH SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.

(2) IN DECIDING WHETHER TO FINE A LICENSE HOLDER OR SUSPEND THE LICENSE, THE BOARD SHALL CONSIDER WHETHER:

(I) THE PUBLIC WELFARE AND MORALS WOULD BE IMPAIRED BY ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION PERIOD; AND

(II) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY PURPOSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 16–507(b)(2)(i) through (iv) and, as it related to the power of a local licensing board to revoke a license, 10–403(a)(1).

In the introductory language of subsection (b)(2) of this section, the reference to considering “whether” is substituted for the former reference to considering “the following points” for brevity.

In subsection (b)(2)(ii) of this section, the reference to the “fine” is substituted for the former reference to the “sum of money” for brevity.

Former Art. 2B, § 16–507(b)(2)(v), which authorized the Board to adopt regulations, is deleted as unnecessary because the Board has power to adopt regulations under § 9–206 of this title.

Defined terms: “Board” § 9–101

“County” § 9–101

“License” § 1–101

“License holder” § 1–101

9–2804. LOCAL PENALTIES.

(A) PENALTY IMPOSED BY MUNICIPALITY.

A MUNICIPALITY MAY IMPOSE A PENALTY FOR THE VIOLATION OF AN ORDINANCE PASSED FOR THE REGULATION AND CONTROL OF A LICENSE HOLDER UNDER THIS TITLE.

(B) SUSPENSION OR FINE ALLOWED.

(1) IN LIEU OF SUSPENSION, THE MUNICIPALITY MAY IMPOSE A FINE NOT EXCEEDING \$2,500, WHICH SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.

(2) IN DECIDING WHETHER TO FINE A LICENSE HOLDER OR SUSPEND THE LICENSE, THE MUNICIPALITY SHALL CONSIDER WHETHER:

(I) THE PUBLIC WELFARE AND MORALS WOULD BE IMPAIRED BY ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION PERIOD; AND

(II) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY PURPOSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(b)(1)(i) and (2)(i) through (iv).

The reference to a “municipality” is substituted for the former reference to a “municipal corporation” to conform to the terminology used in other recently revised articles of the Code. *See, e.g.*, LG § 1–101.

By tracking the limits on penalties imposed by a board under former Art. 2B, § 16–507(b)(2), subsection (b) of this section clarifies otherwise vague language concerning the penalties that a municipality may impose under this section.

Defined terms: “County” § 9–101

“License holder” § 1–101

TITLE 10. CITY OF ANNAPOLIS.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

10–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE:

(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND

(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

(B) BOARD.

“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR THE CITY OF ANNAPOLIS.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for the City of Annapolis”.

(C) CITY.

“CITY” MEANS THE CITY OF ANNAPOLIS.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “City of Annapolis”.

(D) LIGHT WINE.

“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.

REVISOR'S NOTE: This subsection is new language added to reflect the definition of “light wine” stated in Section 1.02.Z of the Rules and Regulations of the Board.

Defined term: “Wine” § 1–101

10–102. SCOPE OF TITLE.

THIS TITLE APPLIES ONLY IN THE CITY OF ANNAPOLIS.

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

10-103. COPY OF LEGISLATION.

A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE CITY COUNCIL UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to the "City Council" is substituted for the former reference to the "local governing body" for clarity.

The reference to this "title" is substituted for the former reference to this "subtitle" to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: "Alcoholic beverage" § 1-101
"City" § 10-101

SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**10-201. MAYOR AND CITY COUNCIL MAY CONSTITUTE BOARD; POWER TO DELEGATE AUTHORITY.**

THE MAYOR AND THE CITY COUNCIL MAY:

(1) CONSTITUTE THE BOARD OF LICENSE COMMISSIONERS FOR THE CITY; OR

(2) DELEGATE ALL OR PART OF THE AUTHORITY TO REGULATE LICENSE HOLDERS TO A SUBSIDIARY BOARD THAT THE MAYOR AND CITY COUNCIL ESTABLISH.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15-107.

In the introductory language and item (2) of this section, the references to the "City Council" are substituted for the former references to "Aldermen" for clarity.

In item (2) of this section, the defined term “license holder[s]” is substituted for the former reference to “alcoholic beverages licensees” to conform to the terminology used throughout this revised article.

Former Art. 2B, § 15–101(c)(2), which provided that the provisions of former Art. 2B, § 15–107 apply in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “City” § 10–101

“License holder” § 1–101

10–202. ANNE ARUNDEL COUNTY BOARD — NO JURISDICTION.

THE BOARD OF LICENSE COMMISSIONERS FOR ANNE ARUNDEL COUNTY DOES NOT HAVE JURISDICTION IN THE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 15–107.

Defined term: “City” § 10–101

10–203. REGULATIONS.

(A) IN GENERAL.

THE MAYOR AND CITY COUNCIL OF THE CITY MAY ADOPT REGULATIONS THAT IN THEIR JUDGMENT GIVE THE CITY MORE EFFECTIVE CONTROL OF EACH LICENSED ESTABLISHMENT.

(B) ADDED OR SUBSTITUTED REGULATIONS.

THE REGULATIONS:

(1) MAY BE ADDED TO OR SUBSTITUTED FOR PROVISIONS OF THIS ARTICLE; BUT

(2) MAY NOT BE INCONSISTENT WITH THOSE PROVISIONS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(c)(2)(ii).

In subsection (a) of this section, the reference to “adopt[ing]” regulations is substituted for the former reference to “mak[ing] and enforc[ing]” regulations for brevity and consistency with other similar provisions of this article.

Also in subsection (a) of this section, the reference to the “City” is substituted for the former reference to the “municipality” to conform to the terminology used throughout this title.

Also in subsection (a) of this section, the reference to each “licensed establishment” is substituted for the former reference to each “of the places of business” for clarity.

Also in subsection (a) of this section, the former reference to the “Counsellor” of Annapolis is deleted as obsolete.

Also in subsection (a) of this section, the former reference to “restrictions” is deleted as included in the reference to “regulations”.

Former Art. 2B, § 15–112(c)(2)(i), which provided that former Art. 2B, § 15–112(c)(2) applied only in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “City” § 10–101

GENERAL REVISOR’S NOTE TO SUBTITLE

The Mayor and the City Council of Annapolis have delegated the authority to regulate alcoholic beverages to the Alcoholic Beverage Control Board. The Board, composed of five members who are appointed by the Mayor and confirmed by the City Council, issues licenses, administers and enforces alcoholic beverages laws, and disciplines license holders. *See* Chapter 7.12 of the Annapolis Municipal Code and Charter.

Notwithstanding the delegation of authority to regulate alcoholic beverages to the Alcoholic Beverage Control Board, the reference to the “Board of License Commissioners for the City” is retained in § 10–201(1) of this subtitle for clarity and consistency with the terminology used throughout this article to refer to local licensing boards.

SUBTITLE 3. LIQUOR CONTROL.

10–301. LIQUOR CONTROL — NOT APPLICABLE.

THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE CITY.

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the City.

Defined term: “City” § 10–101

SUBTITLE 4. MANUFACTURER’S LICENSES.**10–401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”);**
- (8) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”);**
- (9) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (10) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (11) § 2–212 (“ADDITIONAL LICENSES”);**
- (12) § 2–213 (“ADDITIONAL FEES”);**
- (13) § 2–214 (“SALE OR DELIVERY RESTRICTED”);**
- (14) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);**
- (15) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**

(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:

(1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND

(2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”).

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the City.

Subsection (b)(2) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12-112(a), as it limited to specific jurisdictions, not including the City of Annapolis, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2-215 of Division I of this article. No substantive change is intended.

Former Art. 2B, § 2-208(b)(2)(iv), which provided that a Class 7 micro-brewery license shall be issued in the City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “City” § 10-101
“Manufacturer’s license” § 1-101

10-402. HOURS AND DAYS OF SALE OR DELIVERY.

A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101
“Manufacturer’s license” § 1–101

SUBTITLE 5. WHOLESALER’S LICENSES.

10–501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**
- (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**
- (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**
- (6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**
- (7) § 2–307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**
- (8) § 2–308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**
- (9) § 2–309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);**
- (10) § 2–310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);**
- (11) § 2–311 (“ADDITIONAL WHOLESALER’S LICENSES”);**
- (12) § 2–312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);**
- (13) § 2–313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);**

(14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);

(15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Subsection (b) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12-112(a), as it limited the application of the general prohibition against beer sale on credit to retail dealers to specific jurisdictions, not including the City of Annapolis. No substantive change is intended.

Defined terms: “City” § 10-101

“Wholesaler’s license” § 1-101

10-502. HOURS AND DAYS OF SALE OR DELIVERY.

EXCEPT AS PROVIDED IN § 10-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(a).

Defined terms: “Alcoholic beverage” § 1-101

“Wholesaler’s license” § 1-101

10-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.

(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.

A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

(B) DISPENSING DRAFT BEER — AGREEMENT REQUIRED.

THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

By being placed in this subtitle, this section makes clear that it applies to the City of Annapolis. Consequently, in subsection (a) of this section, the former phrase “in each county of the State and in Baltimore City” is deleted as unnecessary.

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

SUBTITLE 6. BEER LICENSES.

10-601. RESERVED.**SUBTITLE 7. LIGHT WINE LICENSES.****10-701. LIGHT WINE LICENSES — NOT APPLICABLE.****A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE CITY.**

REVISOR'S NOTE: This section is new language added to clarify that a light wine license may not be issued in the City of Annapolis.

Defined terms: "City" § 10-101

"Light wine" § 10-101

SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**10-801. BEER AND LIGHT WINE LICENSES AUTHORIZED.**

**THE BOARD MAY ISSUE A LICENSE TO SELL BEER AND LIGHT WINE, AT RETAIL,
FOR:**

- (1) ON-PREMISES CONSUMPTION; OR**
- (2) ON- AND OFF-PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-601(b).

In the introductory language of this section, the defined term "Board" is substituted for the former reference to "City" to reflect that the Board is the governmental unit that issues licenses.

Also in the introductory language of this section, the former reference to issuing the license "to an establishment where the licensee is authorized" to sell beer and light wine is deleted as surplusage.

Also in the introductory language of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

In item (1) of this section, the former reference to consumption "only" on the premises is deleted as surplusage.

In item (2) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Former Art. 2B, § 5–101(c)(2), which provided that former Art. 2B, § 5–101 did not apply in the City of Annapolis, is deleted as unnecessary because this section only authorizes on–premises and on– or off–premises consumption in the City of Annapolis and not off–premises consumption only, which was what was provided for under former Art. 2B, § 5–101.

Former Art. 2B, § 5–401(c)(1)(ii), which provided that former Art. 2B, § 5–401 did not apply in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5–601(a), which stated that former Art. 2B, § 5–601 applied only in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 10–101

“Light wine” § 10–101

SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.

10–901. BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–202(b).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and sell” for brevity.

Also in subsection (b) of this section, the phrase “at the place described in the license” is substituted for the former phrase “at any establishment within the city” for clarity and consistency within this title.

Former Art. 2B, § 6–202(a), which stated that former Art. 2B, § 6–202 applied only in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

10–1001. RESERVED.

SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.

10–1101. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

(B) EXCEPTION.

SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.

(C) VARIATION.

SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 10–1102 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101

“City” § 10–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

10–1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.

(A) AUTHORIZED PERMIT HOLDER.

THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.

(B) APPLICATION FORM.

AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.

(C) HOURS OF SALE.

THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

(2) END AT MIDNIGHT.

(D) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(E) FEES.

THE ANNUAL PERMIT FEES ARE:

(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF–SALE PRIVILEGE; AND

(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF–SALE PRIVILEGE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202.2(c), (g), (i), and (e)(1).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

In subsection (c)(1) of this section, the reference to the “underlying license” is substituted for the former reference to the “license already held by the person to whom the refillable container license is issued” for brevity.

In subsection (d) of this section, the defined term “Board” is substituted for the former reference to the “Alcoholic Beverage Control Board” to conform to the terminology used throughout this title.

Former Art. 2B, § 8–202.2(a), which stated that former Art. 2B, § 8–202.2 applied only in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–202.2(b), (d), (f), (h), and (e)(2) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4–1104 of this article.

Defined terms: “Board” § 10–101
“License” § 1–101
“Off-sale” § 1–101

SUBTITLE 12. CATERER’S LICENSES.

10–1201. RESERVED.

SUBTITLE 13. TEMPORARY LICENSES.

PART I. IN GENERAL.

10–1301. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “City” § 10–101

10–1302. RESERVED.

10–1303. RESERVED.

PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

10–1304. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.

(A) ESTABLISHED.

THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS WS WINE SAMPLING LICENSE.

(B) AUTHORIZED HOLDER.

THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF WINE FOR SAMPLING:

(I) ON PREMISES FOR WHICH A CLASS B BEER AND WINE OR BEER, WINE, AND LIQUOR LICENSE HAS BEEN ISSUED, WITH THE CONSENT OF THE HOLDER OF THE LICENSE FOR THE PREMISES; OR

(II) AT A LOCATION THAT IS NOT ALREADY LICENSED.

(2) THE LICENSE HOLDER MAY BRING WINE ONTO THE CLASS B LICENSED PREMISES FOR SAMPLING.

(D) LICENSE APPLICATION.

THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15 DAYS BEFORE THE LICENSE IS ISSUED.

(E) LIMIT ON NUMBER OF LICENSES.

THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.

(F) LIMIT ON SERVINGS.

THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES FROM EACH OFFERING TO AN INDIVIDUAL.

(G) FEE.

THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE FEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–402(e)(1) through (4) and (6) and, as they related to the Class WS license, (c) and (h).

Throughout this section, the former references to a “bona fide” nonprofit organization are deleted as surplusage.

Also throughout this section, the former references to “tasting” are deleted as redundant of the references to “sampling”.

In subsections (a), (b), (e), and (g) of this section, the references to the Mayor and City Council “or designee” are added for clarity.

In subsection (c)(1)(i) of this section, the reference to the consent of the “holder of the license for the premises” is substituted for the former reference to the consent of the “licensee” to clarify who is to give the consent.

In subsection (c)(1)(ii) of this section, the reference to “a location that is not already licensed” is substituted for the former reference to “premises without a permanent alcoholic beverages license” for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to each “offering” is substituted for the former reference to each “brand” for clarity.

Also in subsection (f) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any 1 person” for clarity.

Defined terms: “Beer” § 1–101

“City” § 10–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

10–1305. BEER AND WINE TASTING LICENSE.

(A) ESTABLISHED.

THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS BWT BEER AND WINE TASTING LICENSE.

(B) AUTHORIZED HOLDER.

THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE OR CLASS A BEER AND WINE LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW ON-PREMISES CONSUMPTION OF BEER AND LIGHT WINE FOR TASTING.

(D) LIMIT ON SERVINGS.

THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:

(1) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING; AND

(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.

(E) FEE.

THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE FEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–402(d)(1)(ii) and (6) and, as they related to the Class BWT license, (c) and (h).

In subsections (a), (b), and (e) of this section, the references to the Mayor and City Council “or designee” are added for clarity.

In the introductory language of subsection (c) of this section, the former phrase “for sampling purposes only” is deleted as surplusage.

In the introductory language of subsection (d) of this section, the reference to “an individual” is substituted for the former, overly broad references to “any one person” for clarity.

In subsection (d)(1) of this section, the reference to each “offering” is substituted for the former reference to each “given brand” for clarity.

Defined terms: “Beer” § 1–101

“City” § 10–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

10-1306. RESERVED.

10-1307. RESERVED.

PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.

10-1308. RESERVED.

SUBTITLE 14. APPLICATIONS FOR LICENSES.

10-1401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

(1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);

(2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);

(3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);

(4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);

(5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);

(6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

(7) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);

(8) § 4-111 (“PAYMENT OF LICENSE FEES”);

(9) § 4-113 (“REFUND OF LICENSE FEES”); AND

(10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) EXCEPTION.

SECTION 4–107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

(1) § 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 10–1402 OF THIS SUBTITLE; AND

(2) § 4–112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 10–1403 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined terms: “City” § 10–101

“License” § 1–101

“Local licensing board” § 1–101

10–1402. RESIDENCY REQUIREMENT.

AN APPLICANT FOR A LICENSE ISSUED IN THE CITY MAY MEET THE RESIDENCY REQUIREMENT IN § 4–109(A)(4) OF THIS ARTICLE BY RESIDING ANYWHERE IN ANNE ARUNDEL COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(4)(vi).

Defined term: “City” § 10–101

10–1403. COLLECTION AND DISPOSITION OF LICENSE FEES.

THE CITY CLERK SHALL COLLECT ALL LICENSE FEES AND PAY THEM TO THE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(c)(3)(i) and (4)(i).

The former phrase “alcoholic beverages” license fees is deleted as included in the defined term “license”.

The former reference to license fees “for licenses granted to places of business located in the City of Annapolis” is deleted as implicit.

Former Art. 2B, § 10–204(c)(4)(ii), which stated that the “City of Annapolis shall devote the receipts [of the license fees] to the general purposes of the City”, is deleted as implicit in this section.

Defined terms: “City” § 10–101
“License” § 1–101

10–1404. SETTING OF FEES AND RENEWAL PERIODS.

THE MAYOR AND CITY COUNCIL MAY:

(1) SET THE FEES FOR ALL LICENSES AUTHORIZED TO BE ISSUED IN THE CITY; AND

(2) DETERMINE A PERIODIC BASIS ON WHICH PAYMENTS FOR THE RENEWAL OF A LICENSE MAY BE MADE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(c).

In the introductory language of this section the reference to “City Council” is substituted for the former obsolete reference to “Counselor, and Aldermen” for clarity.

Former Art. 2B, § 8–202(a), which stated that former Art. 2B, § 8–202 applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–202(b), which defined “board” and “license”, is deleted as duplicative of the definitions of those terms in § 10–101 of this title and § 1–101 of this revised article, respectively.

Defined terms: “City” § 10–101
“License” § 1–101

SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.

10–1501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);
- (4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);
- (5) § 4–209 (“HEARING”);
- (6) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (8) § 4–212 (“LICENSE NOT PROPERTY”);
- (9) § 4–213 (“REPLACEMENT LICENSES”); AND
- (10) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 10–1502 OF THIS SUBTITLE;
- (2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 10–1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND
- (3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 10–1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “City” § 10–101

“License” § 1–101

“Local licensing board” § 1–101

10-1502. AUTHORITY OF BOARD.**(A) IN GENERAL.**

LICENSES SHALL BE APPROVED BY THE BOARD OF LICENSE COMMISSIONERS OF THE CITY AND ISSUED BY THE CITY CLERK.

(B) LICENSES NOT ISSUED BY ANNE ARUNDEL BOARD.

THE BOARD OF LICENSE COMMISSIONERS OF ANNE ARUNDEL COUNTY MAY NOT ISSUE LICENSES IN THE CITY.

REVISOR'S NOTE: This section is new language that, in part, is added to state explicitly what formerly was only implied, that only the Board of License Commissioners for the City of Annapolis may issue alcoholic beverages licenses for use in the City and, in part, is derived without substantive change from former Art. 2B, § 10-204(c)(3).

Defined terms: "City" § 10-101
"License" § 1-101

10-1503. BOWLING ESTABLISHMENTS.

MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:

(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND

(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and light wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises "operated as" a bowling establishment is deleted as surplusage.

Defined terms: "Beer" § 1-101

“License” § 1–101

“Light wine” § 10–101

SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.

PART I. LICENSING CONDITIONS.

10–1601. RESERVED.

10–1602. RESERVED.

PART II. MULTIPLE LICENSING PLANS.

10–1603. RESERVED.

SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.

10–1701. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “City” § 10–101

“License” § 1–101

SUBTITLE 18. RENEWAL OF LICENSES.

10–1801. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–403 (“RENEWAL APPLICATION”);

(2) § 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”);

- (3) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”);
- (4) § 4-406 (“PROTESTS”);
- (5) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);
- (6) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);
- (7) § 4-409 (“MULTIPLE LICENSES”); AND
- (8) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

(B) VARIATION.

SECTION 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 10-1802 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “City” § 10-101
“License” § 1-101

10-1802. PAYMENT SCHEDULE OF RENEWAL FEE.

THE MAYOR AND CITY COUNCIL MAY DETERMINE A PERIODIC PAYMENT SCHEDULE FOR THE RENEWAL OF A LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(1)(ii)5.

The reference to “City Council” is substituted for the former reference to “Counselor, and Aldermen” for consistency with the terminology used throughout this title.

The reference to a “payment schedule for the renewal of a license” is substituted for the former reference to a “periodic basis on which payments for the renewal of a license may be made” for brevity.

Defined term: “License” § 1-101

SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.

10-1901. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to conduct of local license holders.

Defined terms: “City” § 10–101

“License holder” § 1–101

SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.

10–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.

(A) IN GENERAL.

(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.

(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to the City of Annapolis, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any

license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

10–2002. BEER LICENSES.

THE BOARD MAY SET THE HOURS OF SALE FOR BEER LICENSES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–502(g).

The reference to the “Board” is substituted for the former reference to the “Mayor, Counselor and Aldermen” in light of the fact that the Mayor and Aldermen have delegated their authority to regulate alcoholic beverages licensees to the Board under the authority specified in § 10–201 of this title.

The former reference to licenses “authorized to be issued in said City” is deleted as surplusage.

Former Art. 2B, § 11–403(a)(2)(i), which excluded the City of Annapolis from the prohibition against a retail dealer holding a Class B or C license selling alcoholic beverages at a bar or counter on Sunday, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101
“Board” § 10–101

10–2003. BEER AND LIGHT WINE LICENSES.

THE BOARD MAY SET THE HOURS OF SALE FOR BEER AND LIGHT WINE LICENSES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–502(g).

The reference to the “Board” is substituted for the former reference to the “Mayor, Counselor and Aldermen” in light of the fact that the Mayor and Aldermen have delegated their authority to regulate alcoholic beverages licensees to the Board under the authority specified in § 10–201 of this title.

The former reference to licenses “authorized to be issued in said City” is deleted as surplusage.

Defined terms: “Beer” § 1–101
“Board” § 10–101
“Wine” § 1–101

10–2004. BEER, WINE, AND LIQUOR LICENSES.

THE BOARD MAY SET THE HOURS OF SALE FOR BEER, WINE, AND LIQUOR LICENSES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–303(a)(2)(i), (b)(2), and (c)(2) and 11–502(g).

The reference to the “Board” is substituted for the former reference to the “Mayor, Counselor and Aldermen” in light of the fact that the Mayor and Aldermen have delegated their authority to regulate alcoholic beverages licensees to the Board under the authority specified in § 10–201 of this title.

The former reference to licenses “authorized to be issued in said City” is deleted as surplusage.

Defined terms: “Beer” § 1–101
“Board” § 10–101
“Wine” § 1–101

SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.

10–2101. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “City” § 10–101
“License” § 1–101

SUBTITLE 22. EXPIRATION OF LICENSES.

10–2201. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “City” § 10–101
“License” § 1–101

SUBTITLE 23. DEATH OF LICENSE HOLDER.

10–2301. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “City” § 10–101
“License holder” § 1–101

SUBTITLE 24. JUDICIAL REVIEW.

10–2401. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: "City" § 10–101

SUBTITLE 25. UNLICENSED ESTABLISHMENTS.

10–2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.

(A) PROHIBITION AGAINST INDIVIDUAL.

FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:

(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;

(2) A PLACE OF PUBLIC ENTERTAINMENT; OR

(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.

(B) PROHIBITION AGAINST OWNER OR MANAGER.

AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an "establishment" are substituted for the former references to "any premises" to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the reference to a “person who violates this section” is substituted for the former reference to a “person found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for clarity and brevity.

Also in subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101
“Person” § 1–101

SUBTITLE 26. ENFORCEMENT.

10–2601. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION — SUBJECT TO CITY REGULATION.

SUBJECT TO REGULATION BY THE CITY OF THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY OWNED BY THE CITY OR ON A PUBLIC HIGHWAY, THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–205 (“PEACE OFFICERS”);**
- (4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**

(6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(7) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(8) § 6–211 (“FINES AND FORFEITURES”).

(B) EXCEPTION.

SECTION 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.

(C) VARIATION.

SECTION 6–204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, IN ADDITION TO § 10–2602 OF THIS SUBTITLE.

REVISOR’S NOTE: The introductory language of subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 19–103(c) as it related to the City of Annapolis.

Subsections (b), (c), and (a)(1) through (8) of this section are new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1–101

“City” § 10–101

“State” § 1–101

10–2602. SERVICE OF SUMMONS.

IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6–204 OF THIS ARTICLE, THE CITY POLICE DEPARTMENT MAY SERVE A SUMMONS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(b)(2)(i)1.

Defined term: “City” § 10–101

SUBTITLE 27. PROHIBITED ACTS.

10–2701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**
- (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**
- (3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6–310 (“PROVIDING FREE FOOD”);**
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**
- (8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**
- (9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**
- (10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**
- (11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**
- (12) § 6–319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (13) § 6–320 (“DISORDERLY INTOXICATION”);**
- (14) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);**

(15) § 6–323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(16) § 6–326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(17) § 6–327 (“TAX EVASION”);

(18) § 6–328 (“DESTRUCTION OF EVIDENCE”); AND

(19) § 6–329 (“PERJURY”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:

(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”); AND

(2) § 6–322 (“POSSESSION OF OPEN CONTAINER”).

(C) VARIATION.

SECTION 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 10–2703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1–101

“City” § 10–101

“License holder” § 1–101

“Retail dealer” § 1–101

10–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.

(A) PROHIBITED.

A PERSON MAY NOT SELL OR PROVIDE DIRECTLY OR INDIRECTLY ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS FOR THE INDIVIDUAL’S OWN USE OR FOR THE USE OF ANY OTHER PERSON.

(B) DUE CAUTION STANDARD — DECEPTIVE DOCUMENTARY EVIDENCE.

A DEFENDANT MAY NOT BE FOUND GUILTY OF SELLING ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS IF:

(1) THE INDIVIDUAL WILLFULLY REPRESENTED THAT THE INDIVIDUAL IS AT LEAST 21 YEARS OLD AND OBTAINED AN ALCOHOLIC BEVERAGE; AND

(2) THE DEFENDANT PROVES AT THE TRIAL THAT:

(I) MISREPRESENTATION OF AGE OCCURRED;

(II) DUE CAUTION WAS USED IN ASCERTAINING THE AGE OF THE INDIVIDUAL BEFORE PROVIDING THE ALCOHOLIC BEVERAGE TO THE INDIVIDUAL;

(III) IN THE EXERCISE OF DUE CAUTION, THE DEFENDANT WAS DECEIVED BY THE USE OF DOCUMENTARY EVIDENCE; AND

(IV) BECAUSE OF THE USE OF DOCUMENTARY EVIDENCE, THE DEFENDANT WAS UNABLE TO ASCERTAIN THAT THE INDIVIDUAL WAS UNDER THE AGE OF 21 YEARS.

(C) PENALTY.

THE CITY COUNCIL MAY PROVIDE BY ORDINANCE THAT A VIOLATION OF THIS SECTION IS A MUNICIPAL INFRACTION.

(D) NO BAR TO ADMINISTRATIVE ACTION.

THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF THIS SECTION DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 12–108(e–1)(2) and (f)(2) and 12–202(b).

In subsection (a) of this section, the reference to “alcoholic beverages” is substituted for the former reference to “spirituous, fermented or intoxicating liquor” to conform to the terminology used throughout this article. Similarly, in subsection (b)(1) of this section, the reference to “alcoholic beverage” is substituted for the former reference to “spirituous liquor”. Similarly, in

subsection (b)(2)(ii) of this section, the reference to the “alcoholic beverage” is substituted for the former reference to the “alcohol”.

Also in subsection (a) of this section, the former reference to a “licensee or other” person is deleted as surplusage.

Also in subsection (a) of this section, the former phrase “within the corporate limits of the City of Annapolis, or within 5 miles of the City” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to alcoholic beverages “other than beer and light wine” is deleted as obsolete. Beer and light wine were exempted from the prohibition against selling to individuals under the age of 21 years from 1974 through 1982.

Also in subsection (a) of this section, the former phrase “in any quantity whatever” is deleted as surplusage.

Also in subsection (a) of this section, the former phrase “either with or without the written order or consent of the parent or guardian of the person” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to “dispose of, barter, furnish, hand over or deliver” is deleted as included in the reference to “sell or provide directly or indirectly”.

In the introductory language of subsection (b) of this section, the phrase “may not be found guilty of selling alcoholic beverages to an individual under the age of 21 years” is substituted for the former phrase “shall be acquitted of the charge” to conform to the terminology used throughout this article.

In subsection (b) of this section, the references to the “defendant” are substituted for the former references to the “person selling the spirituous liquor” and the “person selling to the underage person” for clarity.

Also in subsection (b) of this section, the references to an “individual under the age of 21 years” is substituted for the former references to an “underage person” to conform to the terminology used throughout this article.

In subsection (b)(1) of this section, the reference to “at least 21 years old” is substituted for the former reference to “of full age” for clarity.

In subsection (b)(2)(iii) of this section, the reference to “due” caution is substituted for the former reference to “reasonable” caution for consistency with the terminology used throughout this article.

In subsection (b)(2)(iv) of this section, the former phrase “in fact” is deleted as surplusage.

In subsection (d) of this section, the reference to a violation of “this section” is substituted for the former reference to a violation of “subsection (a) of this section” [revised in § 6–304 of this article] for accuracy.

Former Art. 2B, § 12–108(e–1)(1) and (f)(1)(i), which stated that the provisions of former Art. 2B, § 12–108(e–1) and (f) applied in the City of Annapolis, are deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 10–101

“City” § 10–101

“License holder” § 1–101

“Person” § 1–101

10–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.

THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(f)(2).

Defined terms: “Board” § 10–101

“License holder” § 1–101

SUBTITLE 28. PENALTIES.

10–2801. APPLICATION OF GENERAL PROVISION.

SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “City” § 10–101

10–2802. PENALTY IMPOSED BY BOARD.

THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 IN LIEU OF SUSPENDING A LICENSE FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION UNDER THE ALCOHOLIC BEVERAGE LAWS OF THE CITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(c)(2).

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 10–101

“City” § 10–101

“License” § 1–101

TITLE 11. ANNE ARUNDEL COUNTY.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

11–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE:

(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND

(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

(B) BOARD.

“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR ANNE ARUNDEL COUNTY.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Anne Arundel County”.

(C) COUNTY.

“COUNTY” MEANS ANNE ARUNDEL COUNTY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Anne Arundel County”.

(D) LIGHT WINE.

“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (c).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

(E) TAXPAYER.

“TAXPAYER” MEANS AN INDIVIDUAL WHO:

(1) OWNS REAL PROPERTY IN THE COUNTY IN THE INDIVIDUAL’S OWN NAME, INDIVIDUALLY OR JOINTLY WITH OTHERS; AND

(2) PAYS REAL PROPERTY TAXES TO THE COUNTY.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 1–102(b)(2).

In item (1) of this subsection, the phrase “in the County” is added for clarity.

Defined term: “County” § 11–101

REVISOR’S NOTE TO SECTION

Former Art. 2B, § 1–102(b)(1), which was introductory language to a definition subsection, is deleted as unnecessary in light of the organization of this revised article.

11–102. SCOPE OF TITLE.

THIS TITLE APPLIES ONLY IN ANNE ARUNDEL COUNTY.

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

11-103. COPY OF LEGISLATION.

A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to this "title" is substituted for the former reference to this "subtitle" to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 11-101

SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.

11-201. ESTABLISHED.

THERE IS A BOARD OF LICENSE COMMISSIONERS FOR ANNE ARUNDEL COUNTY.

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Anne Arundel County exists.

11-202. MEMBERSHIP.

(A) COMPOSITION; APPOINTMENT OF MEMBERS.

(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.

(2) THE APPOINTMENTS SHALL BE MADE:

(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR

(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.

(B) QUALIFICATIONS.

(1) EACH MEMBER OF THE BOARD SHALL BE:

(I) A RESIDENT AND VOTER OF THE COUNTY; AND

(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.

(2) NO MORE THAN TWO MEMBERS OF THE BOARD MAY BELONG TO THE SAME POLITICAL PARTY.

(C) TENURE.

THE TERM OF A MEMBER IS 2 YEARS.

(D) VACANCIES.

(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(E) REMOVAL.

(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.

(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.

(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (c)(1) and 15–110(a).

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to “persons who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ... County’, as the case may be” because this title applies only to the Board of License Commissioners for Anne Arundel County.

Also in subsection (a)(1) of this section, the former phrase “[f]or the jurisdictions in which this section is effective,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the reference to “[e]ach member of the Board” is substituted for the former reference to “[t]he commissioners” to conform to the terminology used throughout this subtitle.

In subsection (b)(1)(i) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Anne Arundel County.

In subsection (b)(1)(ii) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” may serve as a member of a board of license commissioners.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Defined terms: “Board” § 11–101

“County” § 11–101

11–203. CHAIR.

IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Anne Arundel County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The reference to “members” is substituted for the former reference to “appointees” to conform to the terminology used throughout this subtitle.

Defined term: “Board” § 11–101

11–204. COMPENSATION; STAFF.

(A) COMPENSATION.

(1) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF NOT MORE THAN \$18,000 AND REIMBURSEMENT FOR EXPENSES REASONABLY INCURRED.

(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF NOT MORE THAN \$15,000 AND REIMBURSEMENT FOR EXPENSES REASONABLY INCURRED.

(B) STAFF.

(1) THE BOARD MAY EMPLOY:

(I) NO MORE THAN TWO FULL–TIME ADMINISTRATORS WHOSE ANNUAL SALARIES SHALL BE FIXED BY THE BOARD AS IN A GENERAL COUNTY CLASSIFIED SALARY SCHEDULE, WITHIN PAY GRADE 16;

(II) INSPECTORS, SUBJECT TO § 11–206 OF THIS SUBTITLE; AND

(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY.

(2) THE BOARD SHALL EMPLOY:

(I) A FULL-TIME SECRETARY WHOSE ANNUAL SALARY SHALL BE FIXED BY THE BOARD AS IN A GENERAL COUNTY CLASSIFIED SALARY SCHEDULE, WITHIN PAY GRADE 13; AND

(II) AN ATTORNEY AT AN ANNUAL SALARY OF \$20,000.

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE BOARD MAY SET THE COMPENSATION OF THE EMPLOYEES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(c) and 15–112(a)(2) and (c)(5).

In subsection (a)(1) of this section, the requirement that the chair of the Board receive “reimbursement for expenses reasonably incurred” is added to reflect long-standing practice.

Also in subsection (a)(1) of this section, the reference to the “chair” is substituted for the former reference to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Former Art. 2B, § 15–112(c)(1), which stated that “[t]his subsection applies only in Anne Arundel County” and that “[e]xcept for paragraph (2) of this subsection, it does not apply in the City of Annapolis”, are deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 11–101

“County” § 11–101

11–205. SALE OF ALCOHOLIC BEVERAGES ON LICENSED PREMISES.

THE BOARD MAY ALLOW THE SALE OF ALCOHOLIC BEVERAGES IN OR ON A PARKING LOT, PICNIC GROUND, BUILDING, OR TERRACE THAT IS AN INTEGRAL PART OF THE LICENSED PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(f).

The former reference to alcoholic beverages “permitted by law to be sold” is deleted as implicit in the reference to “the sale of alcoholic beverages”.

The former phrase “in any district other than the sixth, which is the City of Annapolis” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

11–206. INSPECTORS.

(A) NUMBER OF INSPECTORS; COMPENSATION.

(1) THE BOARD MAY EMPLOY:

(I) ONE PART–TIME CHIEF INSPECTOR AT AN ANNUAL SALARY OF \$10,000;

(II) ONE PART–TIME DEPUTY CHIEF INSPECTOR AT AN ANNUAL SALARY OF \$8,000; AND

(III) 18 PART–TIME INSPECTORS AT AN ANNUAL SALARY OF \$6,000 EACH.

(2) EACH INSPECTOR SHALL RECEIVE A MONTHLY EXPENSE ALLOWANCE OF \$300, SUBJECT TO THE APPROVAL OF THE COMPTROLLER.

(B) POWERS.

AN INSPECTOR:

(1) HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE;

(2) MAY SERVE A SUMMONS UNDER § 11–2604 OF THIS TITLE; AND

(3) MAY ISSUE A CIVIL CITATION UNDER § 11–2605 OF THIS TITLE.

(C) OATH.

AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(D) BOND.

(1) AN INSPECTOR SHALL PROVIDE A PENALTY BOND OF \$2,000 TO THE BOARD AND THE COUNTY COUNCIL JOINTLY ON THE CONDITION THAT THE INSPECTOR FAITHFULLY PERFORM THE DUTIES OF OFFICE.

(2) THE COUNTY SHALL PAY THE COST OF THE BOND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(c)(3) and (4), 16–408, as it related to the authority of inspectors in Anne Arundel County to issue civil citations, and 16–410(b)(2)(i)2, as it related to the authority of inspectors in Anne Arundel County to serve summonses.

In the introductory language of subsection (a)(1) of this section, the former phrase “[i]n addition to the powers given to the Board in subsection (a) of this section,” is deleted as surplusage.

In subsection (a)(1) of this section, the former reference to the inspectors being “known as the ‘liquor inspectors for Anne Arundel County’” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to a monthly expense “allowance” is added for clarity.

Also in subsection (a)(2) of this section, the former phrase “[i]n addition to a salary stated in subparagraph (i) of this paragraph,” is deleted as surplusage.

Also in subsection (a)(2) of this section, the former reference to \$300 “per month” is deleted as redundant of the requirement for a “monthly” expense allowance.

In subsection (b)(1) of this section, the reference to the powers “arising out of or relating to the enforcement of this article” is added for clarity.

Also in subsection (b)(1) of this section, the former reference to a “constable” is deleted as unnecessary in light of the reference to a “peace officer”.

In subsection (b)(2) of this section, the reference to serving a summons “under § 11–2604 of this title” is added for clarity.

Also in subsection (b)(2) of this section, the former reference to an inspector “employed by the Board” having authority to serve a summons is deleted as unnecessary because all inspectors in Anne Arundel County are employed by the Board.

In subsection (b)(3) of this section, the reference to issuing a civil citation “under § 11–2605 of this title” is substituted for the former reference to issuing a civil citation “as provided in § 10–119 of the Criminal Law Article” for clarity.

Also in subsection (b)(3) of this section, the former reference to an inspector “who investigate[s] license violations under this article” having authority to issue a civil citation is deleted as unnecessary because it is a duty of all inspectors in Anne Arundel County to investigate license violations.

In subsection (c) of this section, the reference to the requirement to “take the oath required by Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to “[m]ake oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Constitution of this State” for brevity.

In subsection (d)(1) of this section, the reference to the condition that the inspector “faithfully perform the duties of office” is substituted for the former reference to the condition that the inspector “well and faithfully execute the office in all things appertaining thereto” for brevity and clarity.

Defined terms: “Board” § 11–101

“Comptroller” § 1–101

“County” § 11–101

11–207. USE OF LICENSE FEES TO PAY SALARIES AND EXPENSES OF BOARD.

THE COUNTY SHALL:

(1) PAY THE SALARIES AND EXPENSES OF THE BOARD AND ITS EMPLOYEES, AS APPROVED BY THE COMPTROLLER, FROM THE FEES RECEIVED; AND

(2) DEVOTE THE BALANCE OF THE FEES RECEIVED TO THE GENERAL PURPOSES OF THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(c)(2)(ii).

The references to the “fees received” are substituted for the former references to “receipts” for clarity.

Defined terms: “Board” § 11–101

“Comptroller” § 1–101

“County” § 11–101

11–208. REGULATIONS.

THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Anne Arundel County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Defined term: “Board” § 11–101

SUBTITLE 3. LIQUOR CONTROL.**11–301. LIQUOR CONTROL — NOT APPLICABLE.**

THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 11–101

SUBTITLE 4. MANUFACTURER'S LICENSES.**11–401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 2–201 (“ISSUANCE BY COMPTROLLER”);

- (2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);
 - (3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);
 - (4) § 2-205 (“CLASS 3 WINERY LICENSE”);
 - (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
 - (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
 - (7) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
 - (8) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);
 - (9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
 - (10) § 2-211 (“RESIDENCY REQUIREMENT”);
 - (11) § 2-212 (“ADDITIONAL LICENSES”);
 - (12) § 2-213 (“ADDITIONAL FEES”);
 - (13) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
 - (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
 - (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
 - (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).
- (B) EXCEPTION.
- SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.
- (C) VARIATION.

SECTION 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11–403 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law that a limited distillery license may not be issued in the County.

Former Art. 2B, § 2–208(b)(2)(v), which provided that a Class 7 micro–brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 11–101
“Manufacturer’s license” § 1–101

11–402. HOURS AND DAYS OF SALE OR DELIVERY.

A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(b)(2).

Defined terms: “Alcoholic beverage” § 1–101
“Manufacturer’s license” § 1–101

11–403. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.

IN ADDITION TO § 2–215 OF THIS ARTICLE:

(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY; AND

(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH.

REVISOR’S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 12–202(c).

In item (2) of this section, the former phrase “[i]n addition to currency” is deleted as surplusage.

Defined terms: “Beer” § 1–101
“Retail dealer” § 1–101

SUBTITLE 5. WHOLESALER’S LICENSES.

11–501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**
- (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**
- (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**
- (6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**
- (7) § 2–307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**
- (8) § 2–308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**
- (9) § 2–309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);**
- (10) § 2–310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);**
- (11) § 2–311 (“ADDITIONAL WHOLESALER’S LICENSES”);**
- (12) § 2–312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);**
- (13) § 2–313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);**

(14) § 2–315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);

(15) § 2–316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(16) § 2–317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(B) VARIATION.

SECTION 2–314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11–504 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 11–101
“Wholesaler’s license” § 1–101

11–502. HOURS AND DAYS OF SALE OR DELIVERY.

EXCEPT AS PROVIDED IN § 11–503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(a).

Defined terms: “Alcoholic beverage” § 1–101
“Wholesaler’s license” § 1–101

11–503. DELIVERY OF BEER TO CLASS C PER DIEM LICENSE HOLDER.

(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.

A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A CLASS C PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE CLASS C PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

(B) DISPENSING DRAFT BEER.

(1) THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.

(2) BEFORE THE LICENSE EXPIRES, A HOLDER OF A CLASS C PER DIEM LICENSE SHALL PAY FOR ANY EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED FOR DISPENSING DRAFT BEER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b) and (d).

In subsection (a) of this section, the reference to a “Class C per diem” license is substituted for the former references to a “special 1–day” and “special Class C” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to a holder of a wholesaler's license “enter[ing] into an agreement” with a holder of a Class C per diem license is substituted for the former reference to a holder of a wholesaler's license “agree[ing]” with a holder of a Class C per diem license for clarity.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the Class C per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include the type of equipment, services, personnel, and supplies required to dispense draft beer” is substituted for the former language that the “parties shall agree upon the type of equipment, services, personnel, and supplies ... required” to dispense draft beer for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler's license” § 1–101

11–504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.

FOR PURPOSES OF APPLYING § 2–314 OF THIS ARTICLE:

(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER; AND

(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH.

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 12–202(c).

In item (2) of this section, the former phrase “[i]n addition to currency” is deleted as surplusage.

Defined term: “Beer” § 1–101

SUBTITLE 6. BEER LICENSES.**11–601. CLASS A BEER LICENSE — NOT APPLICABLE.**

A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(c).

Defined terms: “Beer” § 1–101
“County” § 11–101

11–602. CLASS B BEER LICENSE — NOT APPLICABLE.

A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(c).

Defined terms: “Beer” § 1–101
“County” § 11–101

11–603. CLASS C BEER LICENSE — NOT APPLICABLE.

A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(c).

Defined terms: “Beer” § 1–101
“County” § 11–101

11–604. CLASS D BEER LICENSE — NOT APPLICABLE.

A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(c).

Defined terms: “Beer” § 1–101
“County” § 11–101

SUBTITLE 7. LIGHT WINE LICENSES.

11–701. CLASS A LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.

(B) AUTHORIZED HOLDER.

THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE WINERY.

(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$60.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(1), (b)(7), (c)(1), (d)(1), and (e)(1)(i) and (2).

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 manufacturer’s license, who makes wine from agricultural products grown in Maryland” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license”.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 11–101
“Light wine” § 11–101

SUBTITLE 8. BEER AND WINE LICENSES.

11–801. CLASS A BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$240.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(a)(1) and (c)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101
“Light wine” § 11–101

11–802. CLASS B BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$480.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(a)(1) and (c)(2).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Former Art. 2B, § 5–201(c)(1), which stated that former Art. 2B, § 5–201(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Light wine” § 11–101

“Restaurant” § 1–101

11–803. CLASS C BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$120.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(c) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Light wine” § 11–101

11-804. CLASS D BEER AND LIGHT WINE LICENSE.**(A) ESTABLISHED.**

THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

(C) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$480.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(a)(1) and (c)(1)(i).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101

"Light wine" § 11-101

11-805. CLASS H BEER AND LIGHT WINE LICENSE.**(A) ESTABLISHED.**

THERE IS A CLASS H BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$360.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–202(d) and (b)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Former Art. 2B, § 5–202(a)(1), which stated that former Art. 2B, § 5–202 applied in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Light wine” § 11–101

“Restaurant” § 1–101

11–806. HOTEL-LIMITED SERVICE LICENSE.

(A) ESTABLISHED.

THERE IS A BEER AND WINE (HOTEL-LIMITED SERVICE) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A PERSON WHO OWNS OR LEASES A HOTEL THAT CONTAINS:

(1) AT LEAST 50 ROOMS; AND

(2) A KITCHEN LICENSED TO OPERATE AS A FOOD SERVICE FACILITY.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE EVERY DAY AT ONE OR MORE LOCATIONS IN THE HOTEL FOR ON-PREMISES CONSUMPTION.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$2,400 TO BE PAID ON OR BEFORE MAY 1.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(j)(3), (5), (1)(i), (4)(i), and, as it related to a beer and wine license, (2).

In the introductory language of subsection (b) of this section, the former reference to issuing a license “only” to a person who owns or leases a hotel is deleted as surplusage.

In subsection (c) of this section, the reference to “beer and wine” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (d) of this section, the former reference to payment being made “to the Board” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“Hotel” § 1–101

“Person” § 1–101

“Wine” § 1–101

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 2B, § 5–401(c)(2), which provided for a Class WT license for taverns without music, dancing, or other similar entertainment with an annual license fee of \$90, and former Art. 2B, § 5–401(c)(3), which provided for a Class WTM license for taverns with music but without dancing or other similar entertainment with an annual license fee of \$115, are deleted as obsolete. They were repealed by Ch. 614, Acts of 1961 and replaced by the Class D beer and light wine license, but inadvertently they continued to appear in the Annotated Code. According to the administrator of the Board, the last time either license has been issued is unknown.

SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.

11–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(C) DRUGSTORE PROHIBITION; EXCEPTION.

A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:

(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;

(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR

(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$720.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(c) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, references to the phrase “beer, wine, or liquor” are substituted for the references to the phrase “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

11–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:

(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;

(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND

(3) CONTAINS:

(I) AT LEAST ONE PASSENGER ELEVATOR;

(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC; AND

(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.

(D) FEE.

THE ANNUAL FEE FOR THE LICENSE IS \$1,080.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(a)(1) and (3)(i) and (c)(2).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[e]xcept in Montgomery County or in the case of a contrary provision in this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(3)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

Former Art. 2B, § 6–201(c)(1), which stated that former Art. 2B, § 6–201(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

11–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL, AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$480.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (c)(2).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (b) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and sell” for brevity.

Also in subsection (b) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6–301(c)(1), which stated that former Art. 2B, § 6–301(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

As to Class C licenses for specific organizations or venues, *see* Subtitle 12 of this title.

Defined terms: “Beer” § 1–101
“Board” § 11–101
“Club” § 1–101
“Wine” § 1–101

11–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE ARE:

(1) A CLASS D BEER, WINE, AND LIQUOR LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION; AND

(2) A LIMITED CLASS D BEER, WINE, AND LIQUOR LICENSE FOR ON-PREMISES CONSUMPTION ONLY.

(B) ISSUANCE OF LIMITED LICENSE.

WHEN AN APPLICATION FOR A NEW CLASS D BEER, WINE, AND LIQUOR LICENSE IS FILED, THE BOARD MAY LIMIT THE SALE OF BEER, WINE, AND LIQUOR TO ALLOW ON-PREMISES CONSUMPTION ONLY.

(C) FEES.

THE ANNUAL LICENSE FEES ARE:

(1) \$1,200, FOR A CLASS D LICENSE; AND

(2) \$1,080 FOR A LIMITED CLASS D LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(c)(2) through (4).

In subsection (a) of this section, the former phrase “two type” is deleted as surplusage.

In subsection (b) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c)(1) of this section, the former reference to a Class D “on– and off–sale” license is deleted as surplusage.

Former Art. 2B, § 6–401(c)(1), which stated that former Art. 2B, § 6–401(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“Wine” § 1–101

11–905. CLASS H BEER, WINE, AND LIQUOR LICENSE.**(A) ESTABLISHED.**

THERE IS A CLASS H BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.

(C) HOURS AND DAYS FOR SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 11–2004(E) OF THIS TITLE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$960.

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 6–201(c)(3).

Subsection (c) of this section is new language added for clarity.

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the phrase “the place described in the license” is substituted for the former phrase “any restaurant” for clarity and consistency within this article.

Defined terms: “Beer” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

11–906. HOTEL LIMITED SERVICE LICENSE.

(A) ESTABLISHED.

THERE IS A BEER, WINE, AND LIQUOR (HOTEL–LIMITED SERVICE) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE A LICENSE TO A PERSON WHO OWNS OR LEASES A HOTEL THAT:

(1) HAS AT LEAST 50 ROOMS; AND

(2) OPERATES A KITCHEN LICENSED AT LEAST AS A FOOD SERVICE FACILITY.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR EVERY DAY AT ONE OR MORE LOCATIONS IN THE HOTEL FOR ON–PREMISES CONSUMPTION.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$2,800.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(j)(3), (5), (1)(ii), (4)(ii), and, as it related to the beer, wine, and liquor license, (2).

In subsection (b) of this section, the former reference to issuing a license “only” to a person who owns or leases a hotel is deleted as surplusage.

Also in subsection (c) of this section, the reference to the license being used to sell “beer and wine or beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (d) of this section, the former reference to payment being made “on May 1 to the Board” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes for consideration by the General Assembly, that the hours and days of sale for this license are not stated in statutory law.

Defined terms: “Beer” § 1–101

“Board” § 8–101

“Hotel” § 1–101

“Person” § 1–101

“Wine” § 1–101

11–907. MOTEL/HOTEL–RESTAURANT LICENSE.

(A) ESTABLISHED.

THERE IS A MOTEL/HOTEL–RESTAURANT LICENSE.

(B) AUTHORIZED HOLDER.

(1) THE BOARD MAY ISSUE THE LICENSE TO THE PERSON OWNING OR LEASING A MOTEL–RESTAURANT COMPLEX OR HOTEL–RESTAURANT COMPLEX THAT HAS:

(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AT LEAST \$500,000 IN CAPITAL INVESTMENT;

(II) AT LEAST 100 ROOMS; AND

(III) AN ENCLOSED DINING ROOM IN WHICH, AT LEAST TWICE A DAY, FULL–COURSE MEALS ARE SERVED WITH PATRONS ORDERING FROM MENUS.

(2) A CONCESSIONAIRE TO WHOM THE FOOD CONCESSION OF THE COMPLEX IS LEASED IS EXEMPT FROM THE REQUIREMENT OF HAVING AT LEAST \$500,000 IN CAPITAL INVESTMENT.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES:

(1) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO A PERSON AT ONE OR MORE LOCATIONS, INCLUDING BARS OR COUNTERS, IN THE LICENSED MOTEL-RESTAURANT COMPLEX OR HOTEL-RESTAURANT COMPLEX FOR ON-PREMISES CONSUMPTION, INCLUDING BARS AND COUNTERS; AND

(2) THE PLAYING OF MUSIC AND DANCING.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$3,600 FOR EACH SEPARATE ESTABLISHMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(i)(1), (2), (3)(i) and (ii), (4)(i) through (iii), and (5)(ii).

In subsection (b)(1)(iii) of this section, the reference to "meals are served with patrons ordering off of menus" is substituted for the former reference to "meals from menus" for clarity.

In the introductory language of subsection (b) of this section, the former reference to a "firm or corporation" is deleted as included in the defined term "person".

Also in the introductory language of subsection (b) of this section, the former reference to issuing the license "only" to the person owning or leasing the complex is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the reference to "sell".

Also in subsection (c)(1) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "any and all alcoholic beverages" for clarity.

Also in subsection (c)(1) of this section, the word "in" is substituted for the former phrase "within the confines of" for brevity.

Also in subsection (c)(1) of this section, the former reference to beer, wine, and liquor being sold to any person "without further residential, voting or locative qualifications being required of the applicant" is deleted as surplusage.

Also in subsection (c)(1) of this section, the former reference to a motel–restaurant complex or hotel–restaurant complex selling beer, wine, and liquor “every day” is deleted as surplusage.

In subsection (d) of this section, the former reference to the fee being “paid on May 1 to the Board” is deleted as surplusage.

Former Art. 2B, § 8–202(i)(3)(iii), which required a motel–restaurant complex or hotel–restaurant complex with 100 or more rooms to have a motel–restaurant or hotel–restaurant license by October 1, 1977, is deleted as obsolete.

Former Art. 2B, § 8–202(i)(4)(iv), which stated that the provisions of former Art. 2B, § 8–202(d) related to special Sunday licenses do not apply to the holder of a license issued under former Art. 2B, § 8–202(i), is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–202(i)(5)(i), which stated that “[t]he licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages, not inconsistent with the provisions of this subsection”, is deleted as unnecessary because it is simply a statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101

“Board” § 8–101

“Hotel” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

11–1001. AIRPORT CONCESSIONAIRE LICENSE.

(A) ESTABLISHED.

THERE IS AN AIRPORT CONCESSIONAIRE LICENSE.

(B) AUTHORIZED HOLDER.

(1) THE BOARD MAY ISSUE THE LICENSE TO A PERSON WHO IS A LESSEE, SUBLESSEE, OR CONCESSIONAIRE AT AN AIRPORT.

(2) THE BOARD MAY NOT IMPOSE ADDITIONAL QUALIFICATIONS FOR THE LICENSE AS TO THE RESIDENCE OR VOTING STATUS OF THE LICENSE HOLDER.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES:

(1) THE SALE OF BEER, WINE, AND LIQUOR EVERY DAY FROM EACH LOCATION IN AN AIRPORT TERMINAL; AND

(2) THE PLAYING OF MUSIC AND DANCING.

(D) BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT.

(1) (I) THIS PARAGRAPH DOES NOT APPLY TO DUTY FREE SHOPS.

(II) A PERSON WHO IS A LESSEE, SUBLESSEE, OR CONCESSIONAIRE AT BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT MAY HOLD ONE LICENSE FOR MULTIPLE LOCATIONS WITHIN THE TERMINAL OF BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT, EVEN IF THE PERSON ALREADY HOLDS ANOTHER LICENSE THAT THE BOARD ISSUES.

(2) ON RECEIPT OF AN APPLICATION FOR THE LICENSE, THE BOARD SHALL:

(I) GIVE PRECEDENCE TO THE APPLICATION OF A PERSON UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION OVER ALL OTHER LICENSE APPLICATIONS; AND

(II) HOLD A HEARING ON THE APPLICATION AT THE BOARD MEETING THAT IMMEDIATELY FOLLOWS RECEIPT OF THE APPLICATION.

(E) SUNDAY SALES.

A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY PERMIT UNDER § 11–1104 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.

(F) FEES.

(1) (I) THE ANNUAL FEE FOR THE LICENSE AND ONE LOCATION FROM WHICH ALCOHOLIC BEVERAGES MAY BE SOLD IS \$5,000.

(II) THE ANNUAL FEE FOR EACH ADDITIONAL LOCATION FROM WHICH ALCOHOLIC BEVERAGES MAY BE SOLD IS \$5,000.

(2) EACH FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(g)(1), (2)(i), (ii), and (iv), and (3).

In subsection (b)(1) of this section, the defined term “person” is substituted for the former reference to “an individual, association of individuals, or a corporation” for brevity.

Also in subsection (b)(1) of this section, the language authorizing the Board to “issue” an airport concessionaire license is substituted for the former reference to a person to “obtain” the license to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the reference to “the residence or voting status of the license holder” is substituted for the former reference to the “residential [or], voting ... qualifications” for clarity.

Also in subsection (b)(2) of this section, the former reference to “locative qualifications” is deleted as redundant.

In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

Also in subsection (c)(1) of this section, the former reference to “any and all” alcoholic beverages is deleted as surplusage.

In subsections (c)(1) and (d)(1)(ii) of this section, the former references to an airport terminal “building” are deleted as surplusage.

In the introductory language of subsection (d)(2) of this section, the reference to “the license” is substituted for the former reference to a license “under subparagraph (ii) or (iii) of this paragraph” for brevity.

In subsection (d)(2)(ii) of this section, the reference to the application “of a person under paragraph (1)(ii) of this subsection” is added for clarity.

In subsection (e) of this section, the reference to the Sunday permit “under § 11–1104 of this title to sell alcoholic beverages after 2 a.m. on Sunday” is substituted for the former reference to “[t]he provisions of subsection (d) of this section relating to special Sunday licenses” for clarity.

In subsection (f)(2) of this section, the reference to on “or before” May 1 is added for clarity.

Former Art. 2B, § 8–202(g)(2)(iii), which concerned the issuance of a license to cover a transition period involving different licensees, is deleted as obsolete.

Former Art. 2B, § 8–202(g)(4), which stated that “[l]icenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with the provisions of this section”, is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law, except as provided in subsection (e) of this section, which states that a Sunday sales permit is not needed.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Wine” § 1–101

11–1002. COUNTRY AND GOLF CLUB LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C (COUNTRY AND GOLF CLUB) LICENSE.

(B) SIGNING OF LICENSE APPLICATION.

AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE COUNTRY AND GOLF CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF THE COUNTY.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB THAT:

(1) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND

(2) AT THE TIME OF THE APPLICATION FOR THE LICENSE, MAINTAINS:

(I) AT LEAST TWO TENNIS COURTS;

(II) A SWIMMING POOL THAT IS AT LEAST 30 FEET BY 80 FEET;

AND

(III) A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST NINE HOLES.

(D) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(E) HOURS AND DAYS OF SALE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS OF SALE AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 11–2004 OF THIS TITLE.

(2) THE LICENSE MAY BE USED TO SELL BEER, WINE, AND LIQUOR ON SUNDAY.

(F) FEE.

THE ANNUAL LICENSE FEE IS \$1,800.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(c)(6).

In subsection (b) of this section, the former reference to an application “filed on behalf of a golf and country club” is deleted as surplusage.

In subsection (c)(1) of this section, the former reference to “bona fide” members is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the former reference to 30 feet by 80 feet “in size” is deleted as surplusage.

In subsections (d) and (e)(2) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “[any] alcoholic beverages” for clarity.

In subsection (d) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (d) of this section, the former reference to selling alcoholic beverages “to any customer” is deleted as surplusage.

In subsection (e)(1) of this section, the reference to the authority of a “license holder” to “sell beer, wine, and liquor during the hours and days of sale as set out for a Class C beer, wine, and liquor license under § 11–2004 of this title” is substituted for the former phrase “[t]he golf and country club license is subject to all the provisions of this article,” for clarity and consistency with other similar provisions on hours and days of sale in this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, the requirements that an applicant be a resident, registered voter, and taxpayer in the County may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Beer” § 1–101

“Board” § 8–101

“County” § 8–101

“Wine” § 1–101

11–1003. COUNTRY CLUB LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C (COUNTRY CLUB) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY CLUB THAT:

(1) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND

(2) MAINTAINS AT THE TIME OF THE APPLICATION FOR THE LICENSE:

(I) AT LEAST TWO TENNIS COURTS;

(II) A SWIMMING POOL THAT IS AT LEAST 30 FEET BY 80 FEET;
AND

(III) AT LEAST 15 ACRES USED IN CONNECTION WITH THE
LICENSED PREMISES.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,
WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR
ON-PREMISES CONSUMPTION.

(2) THE LICENSE DOES NOT ALLOW SALES FOR:

(I) OFF-PREMISES CONSUMPTION; OR

(II) CONSUMPTION ON THE GROUNDS OF THE COUNTRY CLUB.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE
UNDER § 11-2004 OF THIS TITLE, INCLUDING SUNDAY SALES RESTRICTIONS.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$750.

REVISOR'S NOTE: This section is new language derived without substantive
change from former Art. 2B, § 6-301(c)(7) and (6)(iii) and, as it related to Anne
Arundel County, (a)(1).

In subsection (b)(1) of this section, the former reference to “bona fide” members
is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to 30 feet by 80 feet
“in size” is deleted as surplusage.

In subsection (b)(2)(iii) of this section, the former reference to 15 acres “of
ground” is deleted as surplusage.

In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is
substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c)(1) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c)(1) of this section, the former phrase “at any club” is deleted as surplusage.

In subsection (d) of this section, the reference to the authority for the license holder to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 11–2004 of this title” is added to provide a cross-reference to the provisions on hours and days of sale for Class C beer, wine, and liquor licenses in Anne Arundel County.

Also in subsection (d) of this section, the phrase “Sunday sales” is substituted for the former phrase “sale of alcoholic beverages on Sunday” for brevity.

Former Art. 2B, § 6–301(c)(8), which stated that a country club not under construction by July 1, 1977, shall have two or more tennis courts and a swimming pool that is at least 30 feet by 80 feet, is deleted as duplicative of the first sentence of former Art. 2B, § 6–301(c)(7)(iii), now revised at subsection (b)(2) of this section.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“Wine” § 1–101

11–1004. ENTERTAINMENT CONCESSIONAIRE LICENSE.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CONCESSIONAIRE” MEANS A LESSEE, A SUBLESSEE, OR ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:

(I) ENGAGES IN THE DAILY SALE OF BEER, WINE, AND LIQUOR ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN AN ENTERTAINMENT FACILITY; AND

(II) IS OPERATED AS A CONCESSION ADJACENT TO BUT INDEPENDENT OF THE ENTERTAINMENT FACILITY.

(3) “ENTERTAINMENT FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(B) ESTABLISHED.

THERE IS AN ENTERTAINMENT CONCESSIONAIRE LICENSE.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A CONCESSIONAIRE OPERATING IN CONJUNCTION WITH AN ENTERTAINMENT FACILITY.

(D) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES:

(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION ANYWHERE IN THE ENTERTAINMENT FACILITY; AND

(II) THE PLAYING OF MUSIC AND DANCING IN THE LICENSED PREMISES.

(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY BE TAKEN INTO AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY.

(E) HOURS AND DAYS OF SALE.

(1) THE HOURS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER § 9-1A-23 OF THE STATE GOVERNMENT ARTICLE.

(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY SALES LICENSE UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.

(F) EFFECT OF SECTION.

THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE FOR PURPOSES OF § 11-1609 OF THIS TITLE.

(G) FEE.

(1) THE ANNUAL FEE FOR THE LICENSE IS \$5,000.

(2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.

(H) PENALTY APPLICABLE TO HOLDER OF CONCESSIONAIRE'S LICENSE.

ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF THE HOLDER OF AN ENTERTAINMENT CONCESSIONAIRE LICENSE SHALL APPLY TO THE HOLDER OF A CONCESSIONAIRE'S LICENSE WHO THE BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(k)(1), (3), (4)(ii) and (iii), (7), (10), and, as they related to an entertainment concessionaire license, (5)(ii) and (iii), (6), and (8) and § 11-502(j).

In subsection (e)(2) of this section, the reference to the statement that a holder of the license "need not obtain a Sunday sales license" is substituted for the former statement that a provision relating to special Sunday licenses "does not apply to a license issued under this subsection" for clarity.

In subsection (g)(2) of this section, the reference to on "or before" May 1 is added for clarity.

In subsection (h) of this section, the reference to "the holder of a concessionaire's license" is substituted for the former reference to the "concessionaire" for clarity.

The part of former Art. 2B, § 8-202(k)(5)(i) that stated that an off-sale privilege is not conferred by an entertainment concessionaire license is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 11-101

"License" § 1-101

"License holder" § 1-101

"Wine" § 1-101

11-1005. ENTERTAINMENT FACILITY LICENSE.

(A) "ENTERTAINMENT FACILITY" DEFINED.

"ENTERTAINMENT FACILITY" MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(B) ESTABLISHED.

THERE IS AN ENTERTAINMENT FACILITY LICENSE.

(C) AUTHORIZED HOLDER.

(1) THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF AN ENTERTAINMENT FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE FACILITIES, BARS, OR LOUNGES THAT ARE PART OF THE OPERATION OF THE ENTERTAINMENT FACILITY.

(2) (I) THE LICENSE SHALL BE ISSUED TO AN INDIVIDUAL OR ENTITY THAT OWNS AN ENTERTAINMENT FACILITY AND HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(II) AN APPLICANT FOR THE LICENSE NEED NOT MEET ANY LOCATION, VOTING, OR RESIDENCY REQUIREMENTS.

(D) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES:

(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR IN ANY LOCATION OF THE ENTERTAINMENT FACILITY THAT IS NOT COVERED BY AN ENTERTAINMENT CONCESSIONAIRE LICENSE FOR CONSUMPTION ANYWHERE IN THE ENTERTAINMENT FACILITY; AND

(II) THE PLAYING OF MUSIC AND DANCING IN THE LICENSED PREMISES.

(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY BE TAKEN AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY.

(E) HOURS AND DAYS OF SALE.

(1) THE HOURS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER § 9-1A-23 OF THE STATE GOVERNMENT ARTICLE.

(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY PERMIT UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.

(F) EFFECT OF SECTION.

THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE FOR PURPOSES OF § 11-1609 OF THIS TITLE.

(G) FEE.

(1) THE ANNUAL FEE FOR THE LICENSE IS \$15,000.

(2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(k)(1)(i) and (iii), (2), (4)(i) and (iii), (7), and, as they related to an entertainment facility license, (5)(ii) and (iii), (6), and (8) and § 11-502(j).

In subsection (d)(3) of this section, the language that the license does not allow "sales for off-premises consumption" is substituted for the former language stating that an "off-sale privilege is not conferred by" the license for clarity.

In subsection (e)(2) of this section, the reference to the statement that a holder of the license "need not obtain a Sunday permit" is substituted for the former statement that a provision relating to special Sunday licenses "does not apply to a license issued under this subsection" for clarity.

The part of former Art. 2B, § 8-202(k)(5)(i) that stated that an off-sale privilege is not conferred by an entertainment facility license is deleted as surplusage.

11-1006. FRATERNAL/SORORAL ORGANIZATION LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C (FRATERNAL/SORORAL) ORGANIZATION LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A LODGE, POLITICAL ORGANIZATION, OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL OR SERVICE ORGANIZATION THAT:

(1) IS COMPOSED ONLY OF INDUCTED MEMBERS;

(2) WAS OPERATING IN THE COUNTY BEFORE THE LICENSE APPLICATION WAS MADE;

(3) HAS A MEMBERSHIP OF AT LEAST 100 INDIVIDUALS AND DUES OF AT LEAST \$5 PER YEAR PER INDIVIDUAL; AND

(4) OWNS AND OPERATES A HOME OR CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION TO:

(1) A MEMBER OF THE LOCAL UNIT FOR WHICH THE LICENSE WAS ISSUED; OR

(2) A MEMBER'S GUEST WHEN ACCOMPANIED BY THE MEMBER.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 11-2004 OF THIS TITLE.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$400.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(c)(4)(i) through (iii) and the first and second sentences of (iv) and, as it related to the hours and days of sale, the third sentence of (iv).

In the introductory language of subsection (b) of this section, the former reference to a "bona fide" fraternal or service organization is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to "duly" elected is deleted as surplusage.

Also in subsection (b)(1) of this section, the reference to "inducted" is substituted for the former reference to "elected" for clarity.

Also in subsection (b)(1) of this section, the former reference to being "initiated in accordance with the rites and customs of the fraternal or service

organization” is deleted as unnecessary in light of the reference to “inducted” members.

In subsection (b)(2) of this section, the former phrase “in existence” is deleted as included in the reference to “operating”.

In subsection (b)(3) of this section, the references to “individuals” and “individual” are substituted for the former references to “persons” and “person” because this subsection applies only to human beings.

In the introductory language of subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “any alcoholic beverages” for clarity.

Also in the introductory language of subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in the introductory language of subsection (c) of this section, the former reference to selling “at retail” is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor” is substituted for the former reference to the “license [being] subject to all of the provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County” for clarity and consistency with similar provisions on the hours and days of sale in this article.

The third sentence of former Art. 2B, § 6–301(c)(4)(iv), which stated that “[t]he licensee is subject to all of the provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County”, except as it related to the hours and days of sale for this license, is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“County” § 11–101

“Wine” § 1–101

11–1007. RACETRACK LICENSE.

(A) ESTABLISHED.

THERE IS A RACETRACK LICENSE.

(B) AUTHORIZED HOLDER.

(1) THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A REGULARLY LICENSED RACING ESTABLISHMENT.

(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR A LICENSE APPLICANT.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES AT ONE OR MORE LOCATIONS ON THE PREMISES OF THE RACING PARK.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FROM 2 HOURS BEFORE THE RUNNING OF AN AUTHORIZED RACE TO 2 HOURS AFTER THE RUNNING OF AN AUTHORIZED RACE.

(E) FEE.

THE LICENSE FEE IS \$60 PER DAY OF LIVE OR SIMULCAST RACING TO BE PAID TO THE BOARD ON OR BEFORE JANUARY 1 FOR THE RACING OF THE PRECEDING YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–202(e)(1) through (3) and 11–502(e).

In subsection (b) of this section, the language authorizing the Board to “issue” a license to a racetrack owner without certain qualifications is substituted for the former language authorizing a racetrack owner to “procure” a license without certain qualifications for consistency with language used throughout this article.

Also in subsection (b) of this section, the former reference to the sale of any “and all” alcoholic beverages is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to the owner “whether individual, association of individuals, or a corporation” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to “locative” qualifications is deleted as redundant.

In subsection (c) of this section, the reference to the sale of alcoholic beverages “on the premises” of the license holder’s racing park is substituted for the

former reference to sales of alcoholic beverages “within the confines” of the license holder’s racing park to conform to the terminology used throughout this article.

In subsection (e) of this section, the reference to the license fee per day “of live or simulcast racing” is added for clarity and to conform to current practice.

Also in subsection (e) of this section, the former reference to the license fee being “payable to the Board” is deleted as implicit and therefore unnecessary.

Former Art. 2B, § 8–202(e)(4), which stated that “[l]icenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with the provisions of this section”, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 8–202(e)(5), which stated that former Art. 2B, § 8–202(e) did not apply to the sixth district, which is the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101
“Board” § 11–101

11–1008. RESORT COMPLEX LICENSE.

(A) “RESORT COMPLEX” DEFINED.

IN THIS SECTION, “RESORT COMPLEX” MEANS A RECREATIONAL AREA:

(1) OF AT LEAST 10 ACRES; AND

(2) WITH BEACH FACILITIES AND OTHER FACILITIES TO SERVE AND ACCOMMODATE AT LEAST 500 INDIVIDUALS AT ONE TIME.

(B) ESTABLISHED.

THERE IS A RESORT COMPLEX LICENSE.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO THE PERSON OWNING OR LEASING A RESORT COMPLEX.

(D) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES:

(1) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT BARS OR COUNTERS AT ONE OR MORE LOCATIONS IN THE RESORT COMPLEX DAILY FOR ON-PREMISES CONSUMPTION; AND

(2) THE PLAYING OF MUSIC AND DANCING.

(E) HOURS AND DAYS OF SALE.

(1) A LICENSE HOLDER MAY SERVE ALCOHOLIC BEVERAGES:

(I) AT ONE OR MORE OUTSIDE LOCATIONS IN THE RESORT COMPLEX, FROM 8 A.M. TO MIDNIGHT FOR EACH OUTING; AND

(II) IN A MAIN, PERMANENT AREA FROM 6 A.M. TO 2 A.M. THE NEXT DAY.

(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY PERMIT UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.

(F) FEE.

(1) THE ANNUAL LICENSE FEE IS \$1,800.

(2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(h)(1) through (4), (6), and (7).

In subsection (a)(2) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this section applies only to human beings.

In subsection (c) of this section, the former reference to a "firm, or corporation" is deleted as included in the reference to the defined term "person".

In subsection (d)(1)(i) of this section, the former reference to a license "covering 'on-sales' of beer, wine, and liquor "to any person" is deleted for brevity and clarity in light of the reference to a license authorizing the sale of alcoholic beverages "in the resort complex" for "on-premises consumption".

Also in subsection (d)(1)(i) of this section, the reference to "beer, wine, and liquor" is substituted for the former references to "any and all alcoholic beverages" and "alcoholic beverages" for clarity.

In subsection (d)(2)(ii) of this section, the phrase “the next day” is added for clarity.

In subsection (e)(2) of this section, the reference to a holder of the license “need not obtain a Sunday permit under § 11–2004 of this title” is substituted for the former reference to “[t]he provisions of subsection (d) of this section relating to special Sunday licenses do not apply” to a holder of the license for clarity.

In subsection (f)(2) of this section, the reference to on “or before” May 1 is added for clarity.

Former Art. 2B, § 8–202(h)(5), which stated that “[t]he licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with the provisions of this subsection”, is deleted as an unnecessary statement of common practice.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 11–101

“Person” § 1–101

“Wine” § 1–101

11–1009. VETERANS’ ORGANIZATION LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C (VETERANS’ ORGANIZATION) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD SHALL ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION OR CLUB THAT:

(1) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;

(2) HAS A CHARTER FROM A NATIONAL VETERANS’ ORGANIZATION THAT WAS GRANTED BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;

(3) HAS A BONA FIDE MEMBERSHIP OF AT LEAST 100 INDIVIDUALS AND DUES OF AT LEAST \$5 PER YEAR PER INDIVIDUAL; AND

(4) OPERATES FOR ITS MEMBERS AND MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 11-2004 OF THIS TITLE.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$400.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(c)(3)(i) through (iii) and, as it related to hours and days of sale, (iv) and, as it related to Anne Arundel County, (a)(1).

In the introductory language of subsection (b) of this section, the former reference to a "bona fide" nonprofit organization or club is deleted as surplusage.

In subsection (b)(3) of this section, the references to "individuals" and "individual" are substituted for the former references to "persons" and "person" because this subsection applies only to human beings.

In subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former phrase "at any club" is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the "license holder" to "sell beer, wine, and liquor" is substituted for the former reference to the "license [being] subject to all other provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County" for clarity and

consistency with similar provisions on the hours and days of sale in this article.

Former Art. 2B, § 6–301(c)(3)(iv), which stated that “[t]he license is subject to all other provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County”, except as it related to the hours and days of sale for this license, is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“Club” § 1–101

“Wine” § 1–101

11–1010. YACHT CLUB LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C (YACHT CLUB) LICENSE.

(B) SIGNING OF LICENSE APPLICATION.

AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF THE COUNTY.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR USE BY A YACHT CLUB THAT:

(1) HAS AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND

(2) AT THE TIME OF APPLICATION FOR THE LICENSE, MAINTAINS:

(I) A CLUBHOUSE WITH A SEATING CAPACITY OF AT LEAST 100;

(II) SLIPS, BOAT PARKING SPACES, OR BERTHS FOR AT LEAST 50 BOATS; AND

(III) AT LEAST 1 ACRE.

(D) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE TO:

(1) A MEMBER OF THE YACHT CLUB; OR

(2) A MEMBER’S GUEST WHEN ACCOMPANIED BY THE MEMBER.

(E) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR CLASS C BEER, WINE, AND LIQUOR LICENSES UNDER § 11–2004 OF THIS TITLE.

(F) FEE.

THE ANNUAL LICENSE FEE IS \$1,800.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(c)(5)(i) through (iii), (v), and the first and second sentences of (iv) and, as it related to hours and days of sale, the third sentence of (iv).

In subsection (b) of this section, the former reference to an application “filed on behalf of any yacht club in the county” is deleted as surplusage.

In the introductory language of subsection (c) of this section, the former reference to a yacht club “in the county” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c)(1) of this section, the former reference to “bona fide” members is deleted as surplusage.

In subsection (c)(2)(i) of this section, the reference to a seating capacity “of at least 100” is substituted for the former reference to a seating capacity “sufficient to accommodate at one time at least 100 persons” for brevity.

In subsection (c)(2)(iii) of this section, the former reference to 1 acre “of ground” is deleted as surplusage.

In subsection (d) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “any alcoholic beverages” for clarity.

Also in subsection (d) of this section, the former phrases “at retail” and “at the place described in the license” are deleted as surplusage.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor” is substituted for the former reference to the “license [being] subject to all of the provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County” for clarity and consistency with similar provisions on the hours and days of sale in this article.

The third sentence of former Art. 2B, § 6–301(c)(5)(iv), which stated that “[t]he licensee is subject to all of the provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County”, except as it related to the hours and days of sale for this license, is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, the requirements that an applicant be a resident, registered voter, and taxpayer in the County may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Beer” § 1–101

“Board” § 11–101

“County” § 11–101

“Wine” § 1–101

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 8–202(k)(9), which stated that the entertainment facility license and concessionaire licenses are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with that subsection, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 11–304(c)(2)(i), which stated that a person may consume alcoholic beverages on the licensed premises of a video lottery facility only during the hours of operation established under § 9–1A–23 of the State Government Article, is deleted as redundant of § 11–1004(e)(1) of this subtitle.

Former Art. 2B, § 11–304(c)(2)(ii), which stated that a holder of an entertainment facility license or an entertainment concessionaire license or an employee of the license holder may not knowingly allow a person to consume alcoholic beverages on the licensed premises of a video lottery facility except during the hours of operation established under § 9–1A–23 of the State Government Article, is deleted as surplusage.

SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**11-1101. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4-1102 (“CORKAGE – CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

(B) EXCEPTION.

SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT – WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATION.

SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT – DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-1103 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 11-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

11-1102. MUSIC AND ENTERTAINMENT PRIVILEGES.**(A) IN GENERAL.**

(1) ON THE PREMISES, OR ON ADJACENT PROPERTY OVER WHICH A LICENSE HOLDER HAS OWNERSHIP OR CONTROL, A LICENSE HOLDER:

(I) MAY ALLOW PIPED-IN BACKGROUND MUSIC OR ONE TELEVISION SCREEN; BUT

(II) UNLESS ISSUED A PERMIT DESCRIBED IN THIS SECTION THAT AUTHORIZES THE ACTIVITY, MAY NOT ALLOW:

1. THE PLAYING OF MUSIC, INCLUDING LIVE MUSIC;
2. THE OPERATION OF A KARAOKE MACHINE;
3. THE PLAYING OF MUSIC BY A DISC JOCKEY; OR
4. DANCING, FLOOR SHOWS, OR ANY OTHER SIMILAR TYPE OF ENTERTAINMENT.

(2) THE BOARD MAY ISSUE A PERMIT DESCRIBED IN THIS SECTION ONLY IF THE BOARD FINDS THAT:

(I) THE APPLICANT CAN CONTROL THE INDIVIDUALS USING THE LICENSED PREMISES;

(II) THE OPERATION OF THE PREMISES UNDER THE PERMIT WILL NOT UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD IN WHICH THE PLACE OF BUSINESS IS LOCATED; AND

(III) THE ISSUING OF THE PERMIT:

1. IS NECESSARY TO ACCOMMODATE THE PUBLIC;
2. WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE; AND
3. WILL NOT VIOLATE A COUNTY FIRE, HEALTH, OR BUILDING REGULATION.

(B) MUSIC PERMIT.

(1) THERE IS A MUSIC PERMIT.

(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE.

(3) THE PERMIT AUTHORIZES THE PLAYING OF RECORDED MUSIC OR LIVE MUSIC WITH NOT MORE THAN TWO MUSICIANS.

(4) THE PERMIT HOLDER MAY NOT ALLOW DANCING, FLOOR SHOWS, OR SIMILAR LIVE ENTERTAINMENT.

(5) THE ANNUAL PERMIT FEE IS \$100.

(C) ENTERTAINMENT PERMIT.

(1) THERE IS AN ENTERTAINMENT PERMIT.

(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE.

(3) THE PERMIT AUTHORIZES:

(I) LIVE MUSIC WITH NOT MORE THAN FOUR MUSICIANS; AND

(II) THE PLAYING OF:

1. MORE THAN ONE TELEVISION;

2. A KARAOKE MACHINE; AND

3. MUSIC BY A DISC JOCKEY.

(4) THE PERMIT HOLDER MAY NOT ALLOW DANCING, FLOOR SHOWS, OR SIMILAR LIVE ENTERTAINMENT.

(5) THE ANNUAL PERMIT FEES ARE:

(I) \$200 FOR A HOLDER OF A BEER AND WINE LICENSE; AND

(II) \$300 FOR A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE.

(D) DANCING PERMIT.

(1) THERE IS A DANCING PERMIT.

(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF:

(I) A CLASS B LICENSE;

(II) A CLASS C LICENSE;

(III) A CLASS D LICENSE; OR

(IV) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A CLASS H LICENSE.

(3) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE MUSIC, DANCING, AND OTHER LEGAL FORMS OF ENTERTAINMENT.

(4) THE BOARD MAY NOT ISSUE THE PERMIT TO A HOLDER OF A CLASS H LICENSE IF THE PREMISES FOR WHICH THE CLASS H LICENSE IS ISSUED IS WITHIN 1,000 FEET IN A STRAIGHT LINE FROM ENTRY TO ENTRY FROM A PLACE OF WORSHIP OR SCHOOL.

(5) THE ANNUAL PERMIT FEES ARE:

(I) \$200 FOR A HOLDER OF A BEER AND WINE LICENSE;

(II) \$400 FOR A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE; AND

(III) NO CHARGE FOR A HOLDER OF A CLASS C LICENSE.

(E) OUTDOOR PERMIT.

(1) THERE IS AN OUTDOOR PERMIT.

(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B LICENSE, A CLASS C LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE.

(3) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE OUTDOOR TABLE SERVICE TO CUSTOMERS ON THE GROUNDS OF THE LICENSED ESTABLISHMENT.

(4) THE ANNUAL PERMIT FEE IS \$100.

(5) BEFORE THE PERMIT MAY BE RENEWED, A HOLDER SHALL OBTAIN APPROVAL FROM THE BOARD.

(F) OUTDOOR ENTERTAINMENT PERMIT.

(1) THERE IS AN OUTDOOR ENTERTAINMENT PERMIT.

(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B LICENSE, A CLASS C LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE WHO ALSO HOLDS A MUSIC PERMIT, AN ENTERTAINMENT PERMIT, OR A DANCING PERMIT UNDER THIS SECTION.

(3) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE:

(I) THE SAME FORM OF ENTERTAINMENT OUTDOORS THAT THE HOLDER IS ALLOWED TO PROVIDE INDOORS UNDER THE HOLDER’S MUSIC PERMIT, ENTERTAINMENT PERMIT, OR DANCING PERMIT; AND

(II) OUTDOOR TABLE SERVICE OR CAFE SERVICE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–202(a).

In the introductory language of subsection (a)(1) of this section, the defined term “license holder” is substituted for the former reference to a “holder of any class of alcoholic beverage license or the holder of a club license” for brevity and to conform to the terminology used throughout this article.

In subsections (a)(1)(ii)1 and (b)(3) of this section, the former references to music “of any kind” are deleted as surplusage.

In subsection (a)(2)(i) of this section, the reference to “individuals” is substituted for the former reference to “persons” because only human beings can use the licensed premises.

Also in subsection (a)(2)(i) of this section, the former reference to “adequately” control is deleted as surplusage.

In subsection (a)(2)(iii)2 of this section, the former phrase “in the opinion of the Board” is deleted as surplusage.

Also in subsection (a)(2)(iii)2 of this section, the former reference to the “general” public welfare is deleted as surplusage.

In subsections (b), (c), and (d) of this section, former statements that the permit may be issued “in the same manner as any other special license” are deleted as surplusage.

In subsection (d)(4) of this section, the reference to a “place of worship” is substituted for the former narrow reference to a “church”.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“County” § 11–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Wine” § 1–101

11–1103. REFILLABLE CONTAINER PERMIT — DRAFT BEER.

(A) AUTHORIZED PERMIT HOLDER.

THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.

(B) APPLICATION FORM.

AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.

(C) HOURS OF SALE.

THE HOURS OF SALE FOR THE PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

(2) END AT MIDNIGHT.

(D) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(E) FEES.

THE ANNUAL PERMIT FEES ARE:

(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND

(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(l)(2), (7), (9), and (5)(i).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

In subsection (c)(1) of this section, the reference to the “underlying license” is substituted for the former reference to the “license already held by the person to whom the refillable container permit is issued” for brevity.

Former Art. 2B, § 8–202(l)(1), (3), (4), (5)(ii), (6), and (8) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4–1104 of this article.

Defined terms: “Board” § 11–101

“License” § 1–101

“Off-sale” § 1–101

11–1104. SUNDAY PERMIT.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A PERSON WHO HOLDS:

(1) A HOTEL–LIMITED SERVICE LICENSE; OR

(2) A BEACH AND AMUSEMENT PARK LICENSE.

(B) ESTABLISHED.

THERE IS A SUNDAY PERMIT.

(C) QUALIFICATION OF HOLDER.

ANY LICENSE HOLDER MAY BE ISSUED THE PERMIT.

(D) SCOPE OF AUTHORIZATION.

(1) THE HOLDER OF THE PERMIT MAY SELL THE ALCOHOLIC BEVERAGES ON SUNDAY THAT ARE AUTHORIZED BY THE LICENSE ALREADY HELD.

(2) THE PERMIT IS SUBJECT TO THE SAME HOURS, RESTRICTIONS, AND OTHER PROVISIONS FOR THE LICENSE ALREADY HELD.

(E) ISSUANCE OF PERMIT.

AN APPLICANT SHALL BE ISSUED THE PERMIT ON:

(1) APPROVAL OF AN APPLICATION MADE IN THE SAME MANNER FOR A NEW LICENSE; AND

(2) PAYMENT OF THE REQUIRED FEE.

(F) FEES.

THE ANNUAL PERMIT FEES ARE:

(1) \$60 FOR A BEER AND LIGHT WINE SUNDAY PERMIT; AND

(2) \$120 FOR A BEER, WINE, AND LIQUOR SUNDAY PERMIT.

(G) RENEWAL.

THE PERMIT MAY BE RENEWED IN THE SAME MANNER AS A LICENSE.

(H) EFFECT OF SECTION.

IF THE LICENSE HELD BY THE LICENSE HOLDER OF A SUNDAY PERMIT IS SUSPENDED OR REVOKED, THE PERMIT IS ALSO SUSPENDED OR REVOKED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(d)(1), (3) through (6), (8), and (11).

Throughout this section, the references to a “permit” are substituted for the former references to a “license” to conform to the rule followed in this article that a permit is a secondary type of authorization that may be granted to a person who already has a license.

In subsection (a)(1) of this section, the former reference to a hotel–limited service license “under subsection (j) of this section” is deleted as surplusage.

In subsection (e)(1) of this section, the former phrase “as provided for by §§ 10–202(d) and 10–208(b) of this article” is deleted as surplusage.

In subsection (h) of this section, the former references to “other” licenses are deleted as unnecessary in light of the substitution of the term “permit” for the former references to “license” throughout the section.

Also in subsection (h) of this section, the former phrase “by operation of law” is deleted as surplusage.

Former Art. 2B, § 8–202(d)(7), which stated that the granting of a special Sunday license in addition to a license of any other class to the same licensee shall not be deemed to be in conflict with former Art. 2B, § 9–102, is deleted as unnecessary in light of § 4–203(a) of this article, which states that the general prohibition against holding more than one license applies “except as otherwise provided in Division II of this article”.

Former Art. 2B, § 8–202(d)(9), which stated that former Art. 2B, § 9–203(c) did not prohibit any person who holds any other class of alcoholic beverages license from obtaining a special Sunday license is deleted as unnecessary. Under subsection (c) of this section, a Sunday permit, formerly a special Sunday license, may be issued to any license holder.

Former Art. 2B, § 8–202(d)(10), which stated that the former Art. 2B, § 8–202(d) did not apply “in the sixth district, which is the City of Annapolis”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101”

SUBTITLE 12. CATERER’S LICENSES.

11–1201. RESERVED.

SUBTITLE 13. TEMPORARY LICENSES.

PART I. IN GENERAL.

11–1301. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–1202 (“PER DIEM LICENSES”);

(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);

(3) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);

(4) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

(5) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

(6) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

(B) EXCEPTION.

SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 11-1311 OF THIS SUBTITLE.

(C) VARIATION.

SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-1312 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 11-101

11-1302. RESERVED.

11-1303. RESERVED.

PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

11-1304. BEER AND WINE FESTIVAL LICENSE.

(A) “FESTIVAL” DEFINED.

IN THIS SECTION, “FESTIVAL” MEANS THE ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL OR THE BENSON-HAMMOND HOUSE STRAWBERRY FESTIVAL.

(B) ESTABLISHED.

THERE IS A BEER AND WINE FESTIVAL (BWF) LICENSE.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, A CLASS 3 WINERY LICENSE, OR A CLASS 4 LIMITED WINERY LICENSE.

(D) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL:

(1) WINE THAT IS:

(I) MANUFACTURED AND PROCESSED IN ANY STATE; AND

(II) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED; AND

(2) BEER THAT IS BREWED BY A BREWER:

(I) THAT BREWS LESS THAN 60,000 BARRELS OF BEER ANNUALLY; AND

(II) WHOSE PRODUCT IS DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.

(E) TIME AND CONDITIONS OF DISPLAY AND SALE.

A LICENSE HOLDER SHALL DISPLAY AND SELL BEER AND WINE:

(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.

(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.

THE BOARD:

(1) EACH YEAR MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE, FOR THE FESTIVAL;

(2) MAY NOT CHOOSE A WEEKEND THAT OCCURS WITHIN 14 DAYS BEFORE OR AFTER THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;

(3) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND

(4) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.

(G) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(H) INVOICING AND DELIVERY.

BEER AND WINE DISPLAYED AND SOLD SHALL BE:

(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, A CLASS 3 WINERY, OR A CLASS 4 LIMITED WINERY; AND

(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.

(I) DELIVERY AGREEMENT.

A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:

(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND

(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.

(J) FEE.

THE BOARD MAY SET THE LICENSE FEE.

(K) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-302(a)(1) and (3) and (c) through (i).

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

Subsection (b) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to a “retail” license is substituted for the former reference to an “existing” State retail alcoholic beverages license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former reference to a limit on the display and sale of wine that is “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(2) of this section, the phrase “within 14 days before or after the Maryland Wine Festival” is substituted for the former phrase “within 14 days on either side of the Maryland Wine Festival” for clarity.

Also in subsection (f)(2) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

In subsection (f)(3) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(3) of this section, the former reference to a location “for this Festival” is deleted as surplusage.

Also in subsection (f)(3) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder ... from holding” another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[b]eer and wine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a

“licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to the “wholesaler, winery, or limited winery” and in the introductory language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the reference to “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a special festival license is issued under this section,” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to delivering beer and wine “not earlier than” 2 days before the effective date of the license, is added for clarity. Similarly in subsection (i)(2) of this section, the reference to accepting returns “not later than” 2 days after the expiration date of the license is added.

Former Art. 2B, § 8–302(a)(2), which defined “Board” to mean the Anne Arundel County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 11–101 of this title.

Former Art. 2B, § 8–302(b), which stated that former Art. 2B, § 8–302 applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

11–1305. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.

(A) ESTABLISHED.

THERE IS A CLASS WS WINE SAMPLING LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF WINE FOR SAMPLING:

(I) ON PREMISES FOR WHICH A CLASS B BEER AND WINE OR BEER, WINE, AND LIQUOR LICENSE HAS BEEN ISSUED, WITH THE CONSENT OF THE HOLDER OF THE LICENSE FOR THE PREMISES; OR

(II) AT A LOCATION THAT IS NOT ALREADY LICENSED.

(2) THE LICENSE HOLDER MAY BRING WINE ONTO THE CLASS B LICENSED PREMISES FOR SAMPLING.

(D) LICENSE APPLICATION.

THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15 DAYS BEFORE THE LICENSE IS ISSUED.

(E) LIMIT ON NUMBER OF LICENSES.

THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.

(F) LIMIT ON SERVINGS.

THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES FROM EACH OFFERING TO AN INDIVIDUAL.

(G) FEE.

THE LICENSE FEE IS \$15 PER DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–402(e) and, as it related to the Class WS license, (c).

Throughout this section, the former references to a “bona fide” nonprofit organization are deleted as surplusage.

In the introductory language of subsection (c) and in subsection (c)(1) of this section, the former references to “tasting” are deleted as redundant of the references to “sampling”.

In subsection (c)(1)(i) of this section, the reference to the consent of the “holder of the license for the premises” is substituted for the former reference to the consent of the “licensee” to clarify who is to give the consent.

In subsection (c)(1)(ii) of this section, the reference to a “location that is not already licensed” is substituted for the former reference to “premises without a permanent alcoholic beverages license” for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to each “offering” is substituted for the former reference to each “brand” for clarity.

Also in subsection (f) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any 1 person” for clarity.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

11–1306. WINE TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS WT WINE TASTING LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS BW LICENSE OR CLASS BWL LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW ON–PREMISES CONSUMPTION FOR TASTING OF LIGHT WINE.

(D) LIMIT ON SERVINGS.

THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING TO AN INDIVIDUAL.

(E) FEE.

THE ANNUAL LICENSE FEE IS:

(1) \$50 FOR A HOLDER OF A CLASS BW LICENSE; AND

(2) \$150 FOR A HOLDER OF A CLASS BWL LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–402(f), and, as it related to the Class WT license, (c).

In subsection (c) of this section, the former phrase “or sampling purposes only” is deleted as surplusage.

In subsection (d) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any one person” for clarity.

Also in subsection (d) of this section, the reference to each “offering” is substituted for the former reference to each “given brand” for clarity.

Former Art. 2B, § 8–402(a), which stated that former Art. 2B, § 8–402 applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–402(b), which defined “Board” to mean the Anne Arundel County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 11–101 of this title.

Former Art. 2B, § 8–402(g), which stated that this section is not restricted by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light of § 1–202 of this article.

Defined terms: “Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

11–1307. BEER AND WINE TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A BWT BEER AND WINE TASTING LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE OR CLASS A BEER AND WINE LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW ON-PREMISES CONSUMPTION OF BEER AND LIGHT WINE FOR TASTING.

(D) LIMIT ON SERVINGS.

THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:

(1) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING; AND

(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.

(E) FEE.

IN ADDITION TO THE CLASS A ANNUAL FEE, THE ANNUAL LICENSE FEE IS \$150.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–402(d)(1)(ii), (2), and (6) and, as they related to the Class BWT license, (c) and (d)(4).

In subsection (c) of this section, the former phrase “or sampling purposes” is deleted as surplusage.

In the introductory language of subsection (d) of this section, the reference to “an individual” is substituted for the former, overly broad references to “any one person” for clarity.

In subsection (d)(1) of this section, the reference to each “offering” is substituted for the former reference to each “given brand” for clarity.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

11–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A BWLT BEER, WINE, AND LIQUOR TASTING LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE OR CLASS A BEER AND WINE LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW ON-PREMISES CONSUMPTION OF BEER, LIGHT WINE, AND LIQUOR FOR TASTING.

(D) LIMIT ON SERVINGS.

THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:

(1) LIQUOR IN A QUANTITY OF NOT MORE THAN ONE-HALF OUNCE EACH FROM ANY OF FIVE OFFERINGS PER DAY;

(2) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING; AND

(3) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.

(E) FEE.

IN ADDITION TO THE CLASS A ANNUAL FEE, THE ANNUAL LICENSE FEE IS \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–402(d)(1)(i), (3), and (5) and, as they related to the Class BWLT license, (c) and (d)(4).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (c) of this section, the reference to “beer, light wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In the introductory language of subsection (d) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any one person” for clarity.

In subsection (d)(1) of this section, the reference to “offerings” is substituted for the former reference to “brands” for clarity. Similarly, in subsection (d)(2) of this section, the reference to each “offering” is substituted for each “given brand”.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

11–1309. RESERVED.

11–1310. RESERVED.

PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.

11–1311. FEES.

(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.

THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE LICENSE IS \$25 PER DAY.

(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$50 PER DAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(2)(i) and (d)(2)(ii).

11–1312. LICENSE REQUIREMENTS AND BEER PURCHASING REQUIREMENTS.

(A) REQUIREMENTS FOR REGULAR LICENSES NOT APPLICABLE.

SECTION 3–102 OF THE GENERAL PROVISIONS ARTICLE AND PROVISIONS REGARDING APPLICATIONS FOR LICENSES UNDER SUBTITLE 14 OF THIS TITLE AND ISSUANCE OF LICENSES UNDER SUBTITLE 15 OF THIS TITLE DO NOT APPLY TO AN APPLICANT FOR:

(1) A CLASS C PER DIEM BEER LICENSE;

(2) A CLASS C PER DIEM BEER AND WINE LICENSE; AND

(3) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

(B) PURCHASING BEER FROM WHOLESALER ALLOWED.

A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE HOLDER MAY PURCHASE BEER FROM A WHOLESALER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(a)(3), (b)(2)(ii), and (d)(2)(i) and (iii).

In subsection (a) of this section, the former reference to a Class C per diem beer license, beer and wine license, or beer, wine, and liquor license “for a period not to exceed 7 consecutive days from the effective date of the license” is deleted as redundant of §§ 4–1203 and 4–1204 of this article.

Defined terms: “Beer” § 1–101

“License holder” § 1–101

“Wholesaler” § 1–101

SUBTITLE 14. APPLICATIONS FOR LICENSES.

11–1401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);

(2) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);

(3) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

(4) § 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);

(5) § 4–111 (“PAYMENT OF LICENSE FEES”); AND

(6) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) EXCEPTIONS.

(1) SECTION 4-113 (“REFUND OF LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 11-1407 OF THIS SUBTITLE.

(2) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY EXCEPT FOR RACETRACK LICENSES OR BEACH AND AMUSEMENT PARK LICENSES:

(I) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);

(II) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);

(III) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”); AND

(IV) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”).

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 11-1403 AND 11-1404 OF THIS SUBTITLE; AND

(2) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 11-1406 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a), (b)(1), and (c) of this section are new language added to incorporate by reference general provisions relating to applications for local licenses.

Subsection (b)(2) of this section is new language derived without substantive change from former Art. 2B, §§ 9-101(b)(5) and (c)(5)(i) and, as it related to Anne Arundel County, 10-103(b)(18)(iii).

Defined terms: “County” § 11-101

“License” § 1-101

“Local licensing board” § 1-101

11-1402. APPLICATION NOT PRIMA FACIE EVIDENCE OF ENTITLEMENT.

(A) IN GENERAL.

AN APPLICATION FOR A LICENSE IS NOT PRIMA FACIE EVIDENCE THAT THE APPLICANT IS ENTITLED TO THE LICENSE.

(B) BURDEN OF PROOF ON APPLICANT.

THE APPLICANT HAS THE BURDEN OF PROOF TO SHOW THE BOARD THAT APPROVAL OF THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC AT THE PREMISES OF THE APPLICANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(c)(2).

Defined terms: “Board” § 11–101

“License” § 1–101

11–1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.

(A) REQUIRED.

THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.

(B) RECORDS FROM COUNTY POLICE.

THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)2 and (xv)2.

In subsection (b) of this section, the reference to “criminal history record information” is substituted for the former reference to “criminal records” to conform to the terminology used in CP § 10–201.

Also in subsection (b) of this section, the former reference to “the liquor control board” is deleted as surplusage.

Defined terms: “Board” § 11–101

“Central Repository” § 1–101

“License” § 1–101

11-1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.

THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(i)2 and (ii)1A.

The reference to "record information" is substituted for the former reference to "records" to conform to the terminology of CP § 10-201.

Defined term: "Board" § 11-101

11-1405. ADMINISTRATIVE FEE FOR HEARING.

(A) IN GENERAL.

(1) AN ADMINISTRATIVE FEE SHALL BE CHARGED FOR AN ADMINISTRATIVE ACTION BY THE COUNTY THAT REQUIRES A HEARING, INCLUDING:

(I) AN APPLICATION FOR A NEW LICENSE; AND

(II) A CHANGE OF OWNERSHIP OF A MAJORITY INTEREST IN A LICENSE.

(2) THE ADMINISTRATIVE FEE DOES NOT APPLY TO THE RENEWAL OF A LICENSE FOR THE SAME PREMISES.

(B) AMOUNT.

THE ADMINISTRATIVE FEE IS:

(1) \$200 PAYABLE TO THE BOARD, IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE; AND

(2) NONREFUNDABLE, WHETHER THE REQUESTED ADMINISTRATIVE ACTION IS GRANTED OR DENIED.

(C) USE OF FEE.

THE BOARD SHALL USE THE ADMINISTRATIVE FEE TO COVER ITS EXPENSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(c)(1).

In subsection (a)(1) of this section, the former reference to the “transfer of a license to a third party” is deleted as duplicative of § 11–1703(b) of this title.

In subsection (b)(2) of this section, the reference to an administrative fee that is “nonrefundable” is substituted for the former reference to a fee that “may not be returned” for brevity.

In subsection (c) of this section, the former reference to expenses of the Board “in connection with its functions” is deleted as surplusage.

Defined terms: “Board” § 11–101

“County” § 1–101

“License” § 1–101

11–1406. LICENSE FEES.

THE BOARD SHALL:

(1) COLLECT ALL LICENSE FEES REQUIRED UNDER THIS ARTICLE;

(2) ISSUE ALL LICENSES IN THE COUNTY; AND

(3) REMIT ALL FEES COLLECTED TO THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(c)(1) and (2)(i).

The former phrase “[e]xcept for licenses granted to places of business located in the City of Annapolis” is deleted as unnecessary in light of the organization of this revised article.

The former reference to licenses “authorized under this article” is deleted as included in the defined term “license”.

Defined terms: “Board” § 11–101

“Comptroller” § 1–101

“County” § 11–101

“License” § 1–101

11–1407. NO REFUND OF LICENSE FEES.

A RETAIL LICENSE HOLDER IS NOT ENTITLED TO A REFUND FOR A LICENSE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–205(b).

Defined terms: “County” § 11–101

“License” § 1–101

“License holder” § 1–101

SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.

11–1501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4–209 (“HEARING”);**
- (5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (6) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”); AND**
- (7) § 4–212 (“LICENSE NOT PROPERTY”).**

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO §§ 11–1502 THROUGH 11–1504 OF THIS SUBTITLE;**
- (2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 11–1505, 11–1506, AND**

11-1507 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;

(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 11-1506 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;

(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 11-1508 OF THIS SUBTITLE;

(5) § 4-213 (“REPLACEMENT LICENSES”), SUBJECT TO § 11-1509 OF THIS SUBTITLE; AND

(6) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”), SUBJECT TO § 11-1510 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 11-101

“License” § 1-101

“Local licensing board” § 1-101

11-1502. AUTHORITY OF BOARD NOT TO EXTEND TO CITY OF ANNAPOLIS.

THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN THE CITY OF ANNAPOLIS.

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 15-107.

The prohibition against “issu[ing] a license” in the City of Annapolis is substituted for the former statement that the Board “shall have no jurisdiction” in the City of Annapolis for clarity.

Defined terms: “Board” § 11-101

“License” § 1-101

11-1503. LICENSE APPLICATIONS ACCEPTED BEFORE BUILDING CONSTRUCTION.

(A) IN GENERAL.

THE BOARD SHALL ACCEPT AND PROCESS A LICENSE APPLICATION BEFORE THE CONSTRUCTION OF THE ESTABLISHMENT AT THE LOCATION DESCRIBED IN THE APPLICATION, IF THE APPLICATION INCLUDES DETAILED PLANS OF:

- (1) THE ESTABLISHMENT TO BE CONSTRUCTED;
- (2) THE PARKING AREA TO BE PROVIDED; AND
- (3) THE GENERAL TRAFFIC FLOW IN THE AREA.

(B) PROCESSING AND APPROVAL OF APPLICATION.

(1) THE LICENSE APPLICATION SHALL BE PROCESSED IN THE SAME MANNER AS A LICENSE APPLICATION FOR A LOCATION ON WHICH THE ESTABLISHMENT IS ALREADY CONSTRUCTED.

(2) APPROVAL OF THE APPLICATION IS SUBJECT TO:

(I) COMPLETION OF THE ESTABLISHMENT IN ACCORDANCE WITH THE PLANS UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) APPROVAL BY THE COUNTY BUILDING INSPECTOR, THE COUNTY HEALTH DEPARTMENT, AND AN INSPECTOR FOR THE BOARD.

(C) DEADLINE FOR USE OF APPROVED LICENSE APPLICATION.

(1) IF AN APPROVED LICENSE APPLICATION IS NOT USED WITHIN 1 YEAR AFTER THE DATE OF APPROVAL, THE APPROVAL IS VOID UNLESS THE APPLICANT FILES A WRITTEN APPLICATION WITH THE BOARD FOR AN EXTENSION.

(2) THE BOARD MAY APPROVE OR DENY AN EXTENSION.

(3) THE BOARD SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT AT THE TIME OF APPLICATION THAT THE APPROVAL IS VOID IF THE LICENSE IS NOT IN USE WITHIN 1 YEAR AFTER THE DATE OF APPROVAL.

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, fourth, fifth, and sixth sentences of former Art. 2B, § 10–202(d).

In the introductory language of subsection (a) of this section, the reference to the “establishment at the location described in the application” is substituted for the former reference to the “building or premises on the property for which the application is made” for consistency with terminology used throughout this article.

In subsections (a)(1) and (b)(1) and (2)(i) of this section, the references to the “establishment” are substituted for the former references to the “building” for consistency with terminology used throughout this article.

In subsection (b)(1) of this section, the reference to the “location” is substituted for the former reference to “property”.

In subsection (b)(1) and (2)(i) of this section, the former references to the “premises” are deleted as included in the references to the “establishment”.

In subsection (b)(2)(ii) of this section, the references to the “County” building inspector and health department are added for clarity.

In subsection (c)(1) and (2) of this section, the references to “an extension” are substituted for the former references to an “extension of time” and a “time of extension” for brevity.

In subsection (c)(1) and (3) of this section, the phrases “is void” are substituted for the former phrases “has no effect” for brevity.

In subsection (c)(2) of this section, the former phrase “solely up to” the Board is deleted as surplusage.

Defined terms: “Board” § 11–101

“County” § 11–101

“License” § 1–101

11–1504. HOLDERS OF OUT–OF–STATE LICENSES.

THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(2), except as it related to the renewal of a license by a person that holds an out–of–state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101
“Board” § 11–101
“Light wine” § 11–101
“Person” § 1–101
“State” § 1–101
“Wine” § 1–101

11–1505. INTEREST IN MULTIPLE LICENSES — PROHIBITED.

UNLESS EXPRESSLY AUTHORIZED BY THIS ARTICLE, A PERSON MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR INTERLOCKING STOCK OWNERSHIP, FRANCHISE OPERATION, CHAIN STORE OPERATION, OR ANY OTHER DIRECT OR INDIRECT MANNER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–301(3)(ii) and, except as they related to the renewal of a license, the first sentence of (i) and the first sentence of the introductory language of 9–301.

The reference to interests in a license “regardless of whether that interest is” held or controlled in specified manners is added for clarity.

The phrase “[u]nless expressly authorized by this article” is substituted for the former overly narrow language exempting licenses issued under Art. 2B, §§ 8–202(i) and 9–102(h–1), for clarity.

The former reference to a “partnership, firm, or corporation” is deleted as included in the defined term “person”. Similarly, the former reference to a “franchisor, franchisee, chain store operation, firm, partnership, or corporation” is deleted.

The second sentence of the introductory language of former Art. 2B, § 9–301, which expressed the intention of the section, is deleted as unnecessary. Similarly, the second sentence of former § 9–301(3)(i), which expressed the intention of that subparagraph, is deleted.

Defined terms: “Board” § 11–101
“License” § 1–101
“Person” § 1–101

11–1506. BOWLING ESTABLISHMENTS.

MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:

(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND

(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and light wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Light wine” § 11–101

11–1507. RESORT, ENTERTAINMENT, HOTEL, AND MOTEL FACILITIES AND COMPLEXES.

THE PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO AN INDIVIDUAL OR FOR USE OF AN ENTITY DOES NOT APPLY TO:

(1) RESORT COMPLEXES;

(2) ENTERTAINMENT FACILITIES, INCLUDING ENTERTAINMENT CONCESSIONS;

(3) MOTEL–RESTAURANT COMPLEXES; OR

(4) HOTEL–RESTAURANT COMPLEXES HAVING AT LEAST 100 ROOMS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(h) and (i).

11–1508. NOTICE OF LICENSE APPLICATION.

(A) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.

IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE, SIMILAR TO A NOTICE USED FOR ZONING PURPOSES, IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.

(B) CONTENTS OF POSTING.

A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 2B, § 10–202(d) and (b)(1)(i)2 and (ii).

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days and the former reference to “keep[ing] [it]” posted for brevity.

Also in subsection (a) of this section, the reference to the “application hearing” is substituted for the former reference to “action upon the application” for consistency with subsection (b) of this section.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

Defined terms: “Board” § 11–101
“License” § 1–101

11–1509. REPLACEMENT LICENSE FEE.

THE BOARD SHALL DETERMINE THE FEE FOR A REPLACEMENT LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–502(e).

The reference to a “replacement” license is substituted for the former reference to a “duplicate” license for consistency with § 4–213 of this article.

Defined terms: “Board” § 11–101
“License” § 1–101

11–1510. WAITING PERIODS AFTER DENIALS.

(A) FIRST DENIAL — 1–YEAR WAITING PERIOD.

IF A LICENSE APPLICATION IS DENIED, ANOTHER LICENSE APPLICATION FOR THE SAME LOCATION MAY NOT BE MADE FOR 1 YEAR AFTER THE DENIAL.

(B) SECOND DENIAL — 2–YEAR WAITING PERIOD.

IF A LICENSE APPLICATION FOR A LOCATION IS DENIED TWICE, A LICENSE MAY NOT BE ISSUED FOR THE SAME LOCATION FOR 2 YEARS AFTER THE SECOND DENIAL.

REVISOR’S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 10–208(b).

In this section, the references to the “location” are substituted for the former references to the “premises” for consistency with terminology used throughout this article.

In this section, the former references to “the date of” the denial are deleted as surplusage.

In subsection (b) of this section, the former phrase “a period of” 2 years is deleted as surplusage.

The first sentence of former Art. 2B, § 10–208(b), which stated that former Art. 2B, § 10–208(b) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that although former Art. 2B, § 10–208(b) prohibited a second application to be “made” until a year after the first denial, it prohibited a license from being “issued” for 2 years after the second denial. It is not clear why there are two different requirements after the first and second denials. The General Assembly may want to consider conforming these two provisions.

Defined term: “License” § 1–101

SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.

PART I. LICENSING CONDITIONS.

11-1601. LIMIT ON LICENSES ALLOWED IN SPECIFIED AREA.**(A) IN GENERAL.**

(1) THE BOARD MAY RESTRICT THE NUMBER OF LICENSES IN A SPECIFIED AREA IN THE COUNTY TO THE EXISTING NUMBER OF LICENSES IN THAT AREA OR TO ANY OTHER NUMBER OF LICENSES THAT THE BOARD CONSIDERS APPROPRIATE.

(2) BEFORE THE NUMBER OF LICENSES IN A SPECIFIED AREA IS RESTRICTED, THE BOARD SHALL CONDUCT A HEARING IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(B) HEARING.

(1) A HEARING ON A PROPOSED RESTRICTION OF THE NUMBER OF LICENSES IN A SPECIFIED AREA SHALL BE ADVERTISED IN THE MANNER REQUIRED FOR THE ISSUANCE OF A NEW LICENSE.

(2) IF, AFTER TAKING TESTIMONY FOR AND AGAINST RESTRICTING THE NUMBER OF LICENSES IN A SPECIFIED AREA, THE BOARD DECIDES TO ORDER THE RESTRICTION, THE BOARD:

(I) SHALL DETERMINE THE BOUNDARIES OF THE AREA; AND

(II) MAY PROHIBIT THE ISSUANCE OF ADDITIONAL LICENSES OR ESTABLISH THE NUMBER OF ADDITIONAL LICENSES TO BE ISSUED IN THE AREA, IF THE BOARD DETERMINES THAT THE AREA HAS:

1. SUFFICIENT LICENSED PREMISES TO ACCOMMODATE THE PUBLIC;

2. BECOME SO SATURATED WITH LICENSED PREMISES THAT SPECIAL POLICING IS REQUIRED AND TRAFFIC HAZARDS ARE CREATED; OR

3. CHANGED CHARACTER SO THAT THE EXISTING NUMBER OF LICENSED PREMISES IS INCONSISTENT WITH THE CURRENT USE OF THE AREA, AND AN INCREASE IN THE NUMBER OF LICENSED PREMISES WILL UNDULY DISTURB THE PEACE OF RESIDENTS.

(3) (I) THE BOARD MAY RESTRICT THE NUMBER OF LICENSES IN A SPECIFIED AREA FOR A PERIOD BETWEEN 1 AND 4 YEARS.

(II) AFTER THE PERIOD THAT THE BOARD SETS, THE RESTRICTIONS SHALL END UNLESS THE BOARD HOLDS ANOTHER HEARING AND FURTHER RESTRICTS THE NUMBER OF LICENSES.

(C) PETITION OF PROPERTY OWNERS.

THE BOARD SHALL CONDUCT A HEARING ON RESTRICTING THE NUMBER OF LICENSES IN A SPECIFIED AREA IF THE BOARD RECEIVES A PETITION THAT:

(1) REQUESTS THE RESTRICTION;

(2) DESIGNATES THE SPECIFIC AREA TO BE RESTRICTED; AND

(3) IS SIGNED BY AT LEAST 25 INDIVIDUALS WHO ARE PROPERTY OWNERS AND REGISTERED VOTERS OF THE PRECINCT IN WHICH THE PROPOSED RESTRICTED AREA IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–203(b)(1) and (2).

In subsection (a)(1) and (2) of this section, the references to restricting “the number of licenses in” a specified area are added for clarity and consistency within this section. Similarly, in subsection (b)(3)(i) of this section, the reference to restricting the “number” of licenses in a specified area is substituted for the former reference to restricting the “issuance” of licenses in a specified area.

In subsection (a)(1) of this section, the reference to the number of licenses “the Board considers” appropriate is substituted for the former reference to the number of licenses “it deems” appropriate for clarity.

In subsection (a)(2) of this section, the former reference to a hearing “on the proposed restricted area” is deleted as surplusage.

In the introductory language of subsection (b)(2) of this section, the clause “[i]f ... the Board decides to order the restriction” is added for clarity.

In subsection (b)(2)(i) of this section, the reference to the “boundaries” of the area is substituted for the former reference to the “limits” of the area for clarity.

In the introductory language of subsection (b)(2)(ii) of this section, the phrase “if the Board determines” is substituted for the former phrase to “when, in the opinion of the Board” for clarity.

In subsection (b)(3)(ii) of this section, the reference to the restrictions “end[ing]” is substituted for the former reference to the restrictions “terminat[ing] and be[ing] of no further effect” for brevity.

Also in subsection (b)(3)(ii) of this section, the former phrase “as provided in this section” is deleted as surplusage.

In the introductory language of subsection (c) of this section, the former reference to “prohibiting additional licenses” is deleted as surplusage. Correspondingly, in subsection (c)(1) of this section, the former reference to the restriction “or prohibition” is deleted.

In subsection (c)(3) of this section, the reference to “individuals” is substituted for the former reference to “persons” because only human beings may be registered voters.

Former Art. 2B, § 9–203(a), which stated that former Art. 2B, § 9–203 applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 11–101

“County” § 11–101

“License” § 1–101

11–1602. RESTRICTION ON OFF–SALE LICENSES.

(A) IN GENERAL.

THE BOARD MAY ISSUE A CLASS A (OFF–SALE), CLASS B (OFF–SALE), OR CLASS D (OFF–SALE) LICENSE BASED ON ITS DETERMINATION OF WHETHER THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC.

(B) FACTORS IN DETERMINATION.

IN MAKING ITS DETERMINATION, THE BOARD MAY CONSIDER WHETHER THE ESTABLISHMENT FOR WHICH THE LICENSE WOULD BE ISSUED IS IN:

(1) A DISTRICT IN WHICH THE RATIO OF OFF–SALE LICENSES PER INDIVIDUAL IS MORE THAN ONE PER 4,000 INDIVIDUALS; OR

(2) A DISTRICT IN WHICH THE RATIO OF OFF–SALE LICENSES PER INDIVIDUAL IS LESS THAN ONE PER 4,000 INDIVIDUALS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–203(b)(3)(ii) and (i)2 and 3.

In the introductory language of subsection (b) of this section, the reference to the “establishment” is substituted for the former reference to the “premises” to conform to the terminology used throughout this article.

Also in the introductory language of subsection (b) of this section, the former phrase “but is not required to” is deleted as included in the word “may”.

In subsection (b)(1) and (2) of this section, the former definitions of “overserved district” and “underserved district”, used only once in the former law, are revised as part of the substantive provisions of subsection (b) for concision.

Also in subsection (b)(1) and (2) of this section, the references to an “individual” and “individuals” are substituted for the former references to a “person” and “persons” because the ratio is one license to a specified number of human beings.

Former Art. 2B, § 9–203(b)(3)(i)1, which stated that “[i]n this paragraph the following words have the meanings indicated”, is deleted as unnecessary since the defined terms contained in former Art. 2B, § 9–203(b)(3)(i) have been included in the substantive provisions of subsection (b) of this section.

Defined terms: “Board” § 11–101

“License” § 1–101

“Off-sale” § 1–101

11–1603. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE FOR AN ESTABLISHMENT WHOSE ENTRY IS WITHIN 1,000 FEET IN A STRAIGHT LINE FROM THE ENTRY OF A PLACE OF WORSHIP OR SCHOOL.

(B) EXCEPTIONS.

THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:

(1) THE TRANSFER OF A LICENSE FROM THE CURRENT LICENSE HOLDER TO A NEW LICENSE HOLDER, UNLESS THE TRANSFER WOULD ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY ANOTHER ESTABLISHMENT WITHIN THE 1,000–FOOT RESTRICTION;

(2) A NONPROFIT CLUB OR NONPROFIT ORGANIZATION;

(3) A RESTAURANT THAT HELD A LICENSE AT THE TIME THE RESTAURANT WAS DESTROYED BY FIRE, FLOOD, WINDSTORM, OR OTHER ACT OF GOD, IF A NEW PLACE OF WORSHIP OR SCHOOL HAS NOT BEEN CONSTRUCTED WITHIN THE 1,000-FOOT RESTRICTION;

(4) THE ISSUANCE OF A CLASS H BEER AND WINE (ON-SALE) LICENSE OR BEER, WINE, AND LIQUOR (ON-SALE) LICENSE; OR

(5) THE ISSUANCE OF A MOTEL-RESTAURANT COMPLEX OR HOTEL-RESTAURANT COMPLEX BEER, WINE, AND LIQUOR (ON-SALE) LICENSE.

(C) RENEWAL OF LICENSE OR EXTENSION OF AREA ALLOWED.

FOR AN ESTABLISHMENT THAT IS WITHIN 1,000 FEET OF THE GROUNDS OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD:

(1) MAY RENEW A LICENSE;

(2) MAY EXTEND THE AREA OF THE LICENSED PREMISES; BUT

(3) MAY NOT CHANGE THE OPERATIONAL CLASSIFICATION OF AN EXISTING LICENSE, UNLESS THE CHANGE IS FROM A CLASS B, CLASS C, OR CLASS D LICENSE TO A CLASS H LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-203(c)(2), (3), and (1)(ii) and (iii).

Throughout this section, the references to an "establishment" are substituted for the former references to a "building" in instances when a license has not been issued, to conform to the terminology used throughout this article.

Also throughout this section, the references to a "place of worship" are substituted for the former narrower references to a "church" to conform to the terminology used throughout this article.

In subsection (a) and in the introductory language of subsection (c) of this section, the references to the "Board" are added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In subsection (a) of this section, the former reference to a license "to sell alcoholic beverages" is deleted as included in the defined term "license". Similarly, in subsection (b)(1) of this section, the former reference to a license "permitting the sale of alcoholic beverages" is deleted.

In subsection (b) of this section, the former reference to the “City of Annapolis” as being exempt from the distance restriction from a place of worship or school is deleted as unnecessary in light of the organization of this revised article. This section, placed in Title 11 of this article, does not apply to the City of Annapolis. Title 10 of this article, which applies to the City of Annapolis, lacks a distance restriction.

In subsection (b)(1) of this section, the former definition of “[t]ransfer or assignment” which was used only once in the former law, is revised as part of the substantive provisions of subsection (b)(1) for concision. Similarly, in subsection (c)(2) and (3) of this section, the former definition of “[e]xtended for the same building”, which was not used in the former law, is revised as part of the substantive provisions of subsection (c)(2) and (3).

Also in subsection (b)(1) of this section, the former reference to an “assignment” of a license is deleted as included in the reference to a “transfer” of a license.

Former Art. 2B, § 9–203(c)(1)(i), which stated that “[i]n this subsection the following words have the meanings indicated”, is deleted as unnecessary since the defined terms contained in former Art. 2B, § 9–203(c)(1) have been included in the substantive provisions of subsections (b)(1) and (c)(2) and (3) of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

11–1604. RESTRICTION ON BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.

THE BOARD MAY NOT ISSUE A CLASS H BEER AND LIGHT WINE LICENSE:

(1) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A RESTAURANT IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR

(2) FOR USE IN AN ESTABLISHMENT WITH A DOOR, AN ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–202(c)(1)(ii).

In the introductory language of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In item (1) of this section, the reference to the “site” of a restaurant is substituted for the former reference to the “premises” of a restaurant to conform to the terminology used throughout this article. Similarly, in item (2) of this section, the reference to an “establishment” is substituted for the former reference to a “premises”.

Former Art. 2B, § 5–202(c)(1)(i), which stated that former Art. 2B, § 5–202(c)(1) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 11–101

“Restaurant” § 1–101

11–1605. RESERVED.

11–1606. RESERVED.

PART II. MULTIPLE LICENSING PLANS.

11–1607. MULTITYPE LICENSING PLAN.

(A) NUMBER OF LICENSES LIMITED TO 10.

(1) A LICENSE HOLDER MAY HOLD NOT MORE THAN 10 LICENSES OF ANY CLASS IN ACCORDANCE WITH THIS SECTION.

(2) OF THE LICENSES HELD BY A LICENSE HOLDER:

(I) NOT MORE THAN FOUR LICENSES MAY BE LICENSES IN WHICH THE LICENSE HOLDER HOLDS A DIRECT INTEREST; AND

(II) THE REMAINING LICENSES MAY ONLY BE LICENSES IN WHICH THE LICENSE HOLDER HOLDS AN INDIRECT INTEREST, AS EVIDENCED BY ANY OF THE FOLLOWING RELATIONSHIPS INVOLVING THE LICENSE HOLDER AND ANOTHER LICENSE HOLDER OR THE LICENSE HOLDER AND AN APPLICANT FOR A LICENSE:

- 1. A COMMON PARENT COMPANY;**
- 2. A FRANCHISE AGREEMENT;**

3. A LICENSING AGREEMENT;

4. A CONCESSION AGREEMENT;

5. MEMBERSHIP BY THE LICENSE HOLDER AND THE OTHER PERSON IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED AND SO PORTRAYED TO THE PUBLIC;

6. SHARING OF DIRECTORS OR STOCKHOLDERS OR SHARING OF DIRECTORS OR STOCKHOLDERS OF PARENT COMPANIES OR SUBSIDIARIES;

7. COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES;

8. SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR THEME; OR

9. EXCEPT FOR HOTELS AND MOTELS, SHARING OF A MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.

(B) FIRST RESTAURANT LICENSE — CLASS B, BLX, OR H ALLOWED ANYWHERE IN COUNTY.

THE BOARD MAY ISSUE ONE CLASS B LICENSE, CLASS BLX LICENSE, OR CLASS H LICENSE TO A PERSON FOR A RESTAURANT LOCATED ANYWHERE IN THE COUNTY.

(C) SECOND RESTAURANT LICENSE — CLASS B, BLX, OR H ALLOWED IN SPECIFIED AREAS.

THE BOARD MAY ISSUE A SECOND LICENSE TO A LICENSE HOLDER IF:

(1) THE LICENSE HOLDER HOLDS A CLASS B LICENSE THAT HAS A RESTRICTION PROHIBITING OFF-SALES, A CLASS H LICENSE, OR A CLASS BLX LICENSE;

(2) THE LICENSE SOUGHT IS A CLASS H LICENSE OR A CLASS BLX LICENSE; AND

(3) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS LOCATED IN:

- (I) THE GLEN BURNIE URBAN RENEWAL AREA;
- (II) THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA;
- (III) THE ODENTON TOWN CENTER GROWTH MANAGEMENT AREA;
- (IV) THE BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6–301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;
- (V) A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING ARTICLE OF THE COUNTY CODE;
- (VI) THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE’S COUNTY–ANNE ARUNDEL COUNTY LINE ON THE WEST;
- (VII) A COMMUNITY REVITALIZATION ZONE WITH A DESIGNATION IN THE SERIES “A” THROUGH “P”, INCLUSIVE, AS SHOWN ON THE MAP ADOPTED BY THE COUNTY COUNCIL BY BILL 97–01 OF THE COUNTY ORDINANCES;
- (VIII) THE SEVERN COMMERCIAL DISTRICT, CONSISTING OF PROPERTIES DESIGNATED AS “COMMERCIAL ZONING” BY THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE COUNTY COUNCIL AND LOCATED ON THAT PORTION OF MARYLAND ROUTE 174 WEST OF MARYLAND ROUTE 100 AND EAST OF THE RAILROAD RIGHT-OF-WAY OWNED BY THE NATIONAL RAILROAD PASSENGER CORPORATION (PARCEL 117, ANNE ARUNDEL COUNTY TAX MAP 29);
- (IX) THE EDGEWATER/MAYO COMMERCIAL DISTRICT, CONSISTING OF THOSE PROPERTIES THAT ARE DESIGNATED “COMMERCIAL ZONING DISTRICTS” ON THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE COUNTY COUNCIL FOR THE EDGEWATER/MAYO SMALL AREA PLANNING DISTRICT;
- (X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF THOSE PROPERTIES THAT ARE DESIGNATED “COMMERCIAL ZONING AREAS”, INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS

ADOPTED BY THE COUNTY COUNCIL FOR THE PASADENA SMALL AREA PLANNING DISTRICT; OR

(XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL PROPERTY.

(D) THIRD RESTAURANT LICENSE — CLASS BLX ALLOWED IN SPECIFIED AREAS.

THE BOARD MAY ISSUE A THIRD LICENSE TO A LICENSE HOLDER IF:

(1) THE LICENSE SOUGHT IS A CLASS BLX LICENSE; AND

(2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS LOCATED IN:

(I) THE GLEN BURNIE URBAN RENEWAL AREA;

(II) THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA;

(III) THE ODENTON TOWN CENTER GROWTH MANAGEMENT AREA;

(IV) THE BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6–301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;

(V) A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING ARTICLE OF THE COUNTY CODE;

(VI) THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE’S COUNTY–ANNE ARUNDEL COUNTY LINE ON THE WEST;

(VII) A COMMUNITY REVITALIZATION ZONE WITH A DESIGNATION IN THE SERIES “A” THROUGH “P”, INCLUSIVE, AS SHOWN ON THE MAP ADOPTED BY THE COUNTY COUNCIL BY BILL 97–01 OF THE COUNTY ORDINANCES;

(VIII) THE SEVERN COMMERCIAL DISTRICT, CONSISTING OF PROPERTIES DESIGNATED AS “COMMERCIAL ZONING” BY THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE COUNTY COUNCIL AND LOCATED ON THAT PORTION OF MARYLAND ROUTE 174 WEST OF MARYLAND ROUTE 100 AND EAST OF THE RAILROAD RIGHT-OF-WAY OWNED BY THE NATIONAL RAILROAD PASSENGER CORPORATION (PARCEL 117, ANNE ARUNDEL COUNTY TAX MAP 29);

(IX) THE EDGEWATER/MAYO COMMERCIAL DISTRICT, CONSISTING OF THOSE PROPERTIES THAT ARE DESIGNATED “COMMERCIAL ZONING DISTRICTS” ON THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE COUNTY COUNCIL FOR THE EDGEWATER/MAYO SMALL AREA PLANNING DISTRICT;

(X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF THOSE PROPERTIES THAT ARE DESIGNATED “COMMERCIAL ZONING AREAS”, INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS ADOPTED BY THE COUNTY COUNCIL FOR THE PASADENA SMALL AREA PLANNING DISTRICT; OR

(XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL PROPERTY.

(E) FOURTH THROUGH TENTH RESTAURANT LICENSE — CLASS BLX ALLOWED ANYWHERE IN COUNTY.

(1) THE BOARD MAY ISSUE A FOURTH, FIFTH, SIXTH, SEVENTH, EIGHTH, NINTH, OR TENTH LICENSE TO A LICENSE HOLDER IF THE LICENSE SOUGHT IS A CLASS BLX LICENSE.

(2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT MAY BE LOCATED ANYWHERE IN THE COUNTY.

(F) LICENSES ISSUED ON CERTAIN DATES.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE THAT WAS ISSUED ON OR BEFORE JUNE 30, 2006, AND IN WHICH A LICENSE HOLDER HOLDS A DIRECT INTEREST OR AN INDIRECT INTEREST SHALL BE COUNTED AGAINST THE MAXIMUM NUMBER OF 10 LICENSES THAT THE LICENSE HOLDER MAY HOLD UNDER THIS SECTION BUT IS EXEMPT FROM THE RESTRICTIONS UNDER SUBSECTIONS (B) THROUGH (E) OF THIS SECTION.

(2) A CLASS H LICENSE THAT WAS ISSUED IN THE PERIOD BEGINNING ON MARCH 14, 2005, AND ENDING ON DECEMBER 1, 2005, MAY NOT BE COUNTED

AGAINST THE MAXIMUM NUMBER OF 10 LICENSES THAT THE LICENSE HOLDER MAY HOLD UNDER THIS SECTION.

(G) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202.1(g) through (n) and (q).

In subsections (b) through (e) of this section, the clause “[t]he Board may issue” is substituted for the former references to the clause “[a] licensee may be issued” to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(2)(ii)9 of this section, the meaning of the phrase “sharing of a mode of operation identifiable by the public” is unclear.

The Alcoholic Beverages Article Review Committee also notes, for consideration by the General Assembly, that the use of the term “Brumwell Property” in subsections (c)(3)(xi) and (d)(2)(xi) of this section is vague. The General Assembly may wish to clarify the reference with a more detailed description of the property.

Defined terms: “Board” § 11–101

“County” § 11–101

“License” § 1–101

“Person” § 1–101

11–1608. CLASS BLX LICENSE.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CAPITAL INVESTMENT” MEANS AMOUNTS PAID FOR THE ACQUISITION OF PROPERTY:

(I) FOR A USEFUL LIFE GREATER THAN 1 YEAR; OR

(II) FOR A PERMANENT IMPROVEMENT OR BETTERMENT OF THE PROPERTY THAT HAS A USEFUL LIFE GREATER THAN 1 YEAR.

(3) “COST OF LAND” INCLUDES:

(I) THE PURCHASE PRICE, TAXES AND FEES INCIDENTAL TO THE PURCHASE, AND COSTS RELATED TO OBTAINING APPROPRIATE ZONING AND LICENSING;

(II) THE COST OF SITE GRADING, PREPARATION, PAVING, SIDEWALKS, GUTTERS, CURBS, AND LANDSCAPING; AND

(III) THE COST OF THE CONSTRUCTION AND INSTALLATION OF ALL UTILITIES TO THE EXTERIOR OF THE BUILDING SHELL.

(4) “COST OF THE BUILDING SHELL” INCLUDES THE COST ATTRIBUTABLE TO A STRUCTURE WITH A ROOF, SIDEWALLS, DOORS, AND WINDOWS COMPLETELY ENCLOSED AND WEATHERPROOFED ON A SLAB OR OTHER SUBFLOORING.

(B) AUTHORIZED.

THE BOARD MAY ISSUE A 7-DAY CLASS BLX DELUXE RESTAURANT ON-SALE BEER, WINE, AND LIQUOR LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE MAY ONLY BE USED IN AN ESTABLISHMENT THAT:

(1) QUALIFIES AS A RESTAURANT UNDER THE REGULATIONS OF THE BOARD;

(2) HAS A MINIMUM SEATING CAPACITY OF 100 INDIVIDUALS FOR DINING;

(3) HAS A COCKTAIL LOUNGE OR BAR AREA SEATING CAPACITY NOT EXCEEDING 25% OF THE SEATING CAPACITY FOR DINING;

(4) HAS PARKING FACILITIES TO ACCOMMODATE A MINIMUM OF 75 VEHICLES; AND

(5) HAS A MINIMUM CAPITAL INVESTMENT BY THE APPLICANT FOR THE LICENSE OF \$800,000, EXCLUSIVE OF THE COST OF THE LAND AND BUILDINGS.

(D) CAPITAL INVESTMENT.

(1) IF AN APPLICANT FOR THE LICENSE PURCHASES AN EXISTING BUILDING, THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE BUILDING SHELL WILL BE BASED ON THE FAIR MARKET VALUE OF THE STRUCTURES FOR WHICH THE COST OF THE BUILDING SHELL WAS INCURRED, DETERMINED AT THE TIME OF PURCHASE.

(2) THE CAPITAL INVESTMENT, EXCLUDING LAND AND BUILDING SHELL, SHALL ALSO BE EVALUATED AT THE FAIR MARKET VALUE AT THE TIME OF PURCHASE.

(3) IF THE PREMISES ARE LEASED, THE RENT PAID FOR THE LAND SHALL BE CONSIDERED A COST OF LAND AND ANY RENT PAID FOR A BUILDING SHALL BE CONSIDERED A COST OF THE BUILDING SHELL.

(E) CLASS BLX LICENSE NOT AVAILABLE FOR FAST-FOOD RESTAURANT.

THE LICENSE MAY NOT BE ISSUED FOR USE IN AN ESTABLISHMENT THAT IS A FAST-FOOD STYLE RESTAURANT.

(F) HOURS AND DAYS OF SALE.

A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF SALE UNDER A CLASS BLX LICENSE DURING THE SAME HOURS AND DAYS AS THOSE FOR A CLASS B ON-SALE BEER, WINE, AND LIQUOR LICENSE IN THE COUNTY.

(G) TRANSFER OF LICENSES.

(1) THIS SUBSECTION DOES NOT APPLY TO A TRANSFER OF LICENSE HOLDERS FOR THE SAME PREMISES OR A RENEWAL OF A CLASS BLX LICENSE.

(2) A CLASS BLX LICENSE MAY NOT BE TRANSFERRED FROM THE LOCATION SITE OF THE FIRST ISSUANCE OF THE LICENSE.

(H) FEE.

THE ANNUAL LICENSE FEE IS \$1,200.

(I) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202.1(b)(1), (3), (4), and (5), (c) through (f), (o), (p), and (q).

Former Art. 2B, § 8–202.1(a), which stated that the provisions of former Art. 2B, § 8–201.1 applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–202.1(b)(2), which defined “Board” to mean the Board of License Commissioners of Anne Arundel County, is deleted as unnecessary because “Board” is already defined in § 11–101 of this title.

Defined terms: “Board” § 11–101

“County” § 11–101

“License” § 1–101

“Restaurant” § 1–101

11–1609. CLASS H LICENSES.

(A) LIMITATIONS ON ISSUANCE.

THE BOARD MAY ISSUE A SECOND LICENSE TO A HOLDER OF A CLASS B LICENSE THAT HAS A RESTRICTION PROHIBITING SALES FOR CONSUMPTION OFF THE PREMISES OR A HOLDER OF A CLASS H LICENSE IF:

(1) THE SECOND LICENSE IS A CLASS H BEER, WINE, AND LIQUOR LICENSE OR A CLASS H BEER AND WINE LICENSE; AND

(2) THE RESTAURANT FOR WHICH THE CLASS H LICENSE UNDER ITEM (1) OF THIS SUBSECTION IS SOUGHT OR TO WHICH THE ORIGINAL CLASS B OR CLASS H LICENSE APPLIES IS IN:

(I) A SUBURBAN COMMUNITY CENTER DESIGNATED BY THE COUNTY IN ACCORDANCE WITH BILL NOS. 36–96 AND 70–96 OF THE COUNTY ORDINANCES; OR

(II) ONE OF THE FOLLOWING LOCATIONS AS THE LOCATION EXISTED ON OCTOBER 1, 1999:

1. THE GLEN BURNIE URBAN RENEWAL AREA;

2. THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA;

3. THE ODENTON TOWN CENTER GROWTH MANAGEMENT AREA;

4. THE BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6–301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;

5. A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING ARTICLE OF THE COUNTY CODE; OR

6. THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE’S COUNTY–ANNE ARUNDEL COUNTY LINE ON THE WEST.

(B) MAXIMUM NUMBER OF CLASS H LICENSES.

THE BOARD MAY NOT ISSUE MORE THAN 60 CLASS H LICENSES UNDER THIS SECTION.

(C) MAXIMUM NUMBER OF CLASS H LICENSES HELD BY SAME PERSON.

THE BOARD MAY ISSUE A MAXIMUM OF TWO LICENSES TO A PERSON IN THE COUNTY IF:

(1) EACH LICENSE IS A CLASS H BEER AND WINE LICENSE OR A CLASS H BEER, WINE, AND LIQUOR LICENSE; AND

(2) THE RESTAURANT FOR WHICH ONE OF THE CLASS H LICENSES UNDER ITEM (1) OF THIS SUBSECTION IS SOUGHT IS IN:

(I) A SUBURBAN COMMUNITY CENTER DESIGNATED BY THE COUNTY IN ACCORDANCE WITH BILL NOS. 36–96 AND 70–96 OF THE COUNTY ORDINANCES; OR

(II) ONE OF THE FOLLOWING LOCATIONS AS THE LOCATION EXISTED ON OCTOBER 1, 1999:

1. THE GLEN BURNIE URBAN RENEWAL AREA;

2. THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA;

3. THE ODENTON TOWN CENTER GROWTH MANAGEMENT AREA;

4. THE BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6–301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;

5. A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING ARTICLE OF THE COUNTY CODE; OR

6. THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM ROUTE 32 ON THE EAST TO THE PRINCE GEORGE’S COUNTY–ANNE ARUNDEL COUNTY LINE ON THE WEST.

(D) FRANCHISORS.

A FRANCHISOR MAY NOT HAVE A DIRECT OWNERSHIP INTEREST, AS DEFINED BY THE BOARD, IN MORE THAN TWO LICENSES UNDER THIS SECTION.

(E) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS:

(1) TO CARRY OUT THIS SECTION; AND

(2) THAT DEFINE “DIRECT OWNERSHIP INTEREST” FOR THE PURPOSES OF SUBSECTION (D) OF THIS SECTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(h–1)(1) through (5).

In the introductory language of subsection (a) of this section, the former reference to a “current” holder is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former phrase “or a holder as of June 1, 2002” is deleted as obsolete.

In subsection (b) of this section, the former reference to “additional” licenses is deleted as surplusage.

In the introductory language of subsection (c) of this section, the reference to “[t]he Board may issue” a maximum of two licenses is added for clarity.

Also in the introductory language of subsection (c) of this section, the former reference to a person “who does not hold a retail alcoholic beverages license” is deleted as unnecessary.

In subsection (c)(2)(ii) of this section, the clause “as the location existed” is substituted for the former clause “as they existed” for clarity.

Former Art. 2B, § 9–102(h–1)(6), which required the Anne Arundel County Economic Development Corporation, in consultation with the Board of License Commissioners for Anne Arundel County, to conduct a comprehensive study of the impact of these provisions on the economy of Anne Arundel County and submit the study’s findings on or before January 1, 2006, to the Anne Arundel County House Delegation, the Anne Arundel County Senate Delegation, the County Executive for Anne Arundel County, and the Anne Arundel County Council, is deleted as obsolete.

Defined terms: “Board” § 11–101

“County” § 11–101

“License” § 1–101

“Person” § 1–101

SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.

11–1701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

AND

(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 11-1702 OF THIS SUBTITLE;

(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 11-1703 OF THIS SUBTITLE; AND

(3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”), SUBJECT TO § 11-1706 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 11-101
“License” § 1-101

11-1702. REQUIREMENTS FOR APPROVAL OF TRANSFER.

(A) TRANSFEROR TO MAKE ARRANGEMENTS FOR DEBTS AND OBLIGATIONS.

(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT APPROVE AN APPLICATION FOR THE TRANSFER OF A LICENSE UNLESS:

(I) ALL OBLIGATIONS OF THE TRANSFEROR PERTAINING TO THE LICENSED ESTABLISHMENT HAVE BEEN PAID; OR

(II) AN ARRANGEMENT CONCERNING DEBTS AND OBLIGATIONS SATISFACTORY TO THE TRANSFEROR’S CREDITORS HAS BEEN MADE.

(2) PARAGRAPH (1) OF THIS SUBSECTION ALSO APPLIES TO APPROVAL OF AN APPLICATION FOR A NEW LICENSE IF THE BOARD BELIEVES THAT THE APPLICATION IS BEING USED TO AVOID PROVISIONS REGARDING THE TRANSFER OF A LICENSE.

(B) RESTRICTIONS CONDITIONED ON CREDITOR’S CLAIM.

THE BOARD IS NOT BOUND BY SUBSECTION (A) OF THIS SECTION UNLESS:

(1) A CREDITOR SUBMITS A CLAIM, UNDER AFFIDAVIT, TO THE BOARD BEFORE THE HEARING HELD ON THE TRANSFER; AND

(2) THE CLAIM INVOLVES AN INDEBTEDNESS INCURRED IN THE OPERATION OF THE LICENSED PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(c)(3).

In subsection (a)(1)(i) of this section, the former parenthetical reference to “former licensee” that modified the reference to “transferrer” is deleted as surplusage.

Also in subsection (a)(1)(i) of this section, the former reference to being “fully” paid is deleted as surplusage.

In subsection (a)(2) of this section, the former phrase “as a subterfuge” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to “the prohibition in” subsection (a) of this section is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to a “bona fide” creditor is deleted as surplusage.

Defined terms: “Board” § 11–101

“License” § 1–101

11–1703. FEE.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A CLUB LICENSE.

(B) IN GENERAL.

THE FEE FOR A TRANSFER OF LOCATION OR OWNERSHIP OF A LICENSE IS \$200.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(c)(2).

In subsection (b) of this section, the reference to a transfer “of location or ownership” of a license is added for clarity.

Also in subsection (b) of this section, the former reference to “assignment” is deleted as included in the reference to “a transfer”.

Former Art. 2B, § 10–503(c)(1), which stated that former Art. 2B, § 10–503(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Club” § 1–101
“License” § 1–101

11–1704. MULTIPLE LICENSES.

NOTWITHSTANDING § 11–1505 OF THIS TITLE, A PERSON THAT HAS AN INTEREST IN MORE THAN ONE LICENSE MAY TRANSFER EACH LICENSE TO A SIMILAR TYPE OF BUSINESS ESTABLISHMENT.

REVISOR’S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 2B, § 9–301(3)(i), as it related to the transfer of a license.

The phrase “[n]otwithstanding § 11–1505 of this title” is substituted for the former phrase “[n]othing in this section applies to or affects” to reflect the revision of the first sentence of former Art. 2B, § 9–301(3)(i) in § 11–1505 of this title.

The reference to a person who “may transfer” a license is substituted for the former reference to the “possibility of such licensee having the license transferred” for clarity.

Defined terms: “License” § 1–101
“Person” § 1–101

11–1705. TRANSFER RESTRICTIONS.

(A) IN GENERAL.

A LICENSE MAY NOT BE TRANSFERRED UNLESS THE LICENSE HOLDER HAS ACTIVELY ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES AS AUTHORIZED BY THE LICENSE WITHIN 1 YEAR BEFORE THE DATE OF APPLICATION FOR TRANSFER.

(B) UNAUTHORIZED TRANSFER IS VOID.

AN ATTEMPTED TRANSFER OF A DORMANT LICENSE NOT IN ACCORDANCE WITH THIS SECTION IS VOID.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–203(c)(4)(i), as it related to the transfer of a license.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

11–1706. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.

(A) CONDITIONS FOR SUBSTITUTION.

(1) IN ADDITION TO THE CONDITIONS STATED UNDER § 4–306(A) OF THIS ARTICLE, A CORPORATION OR CLUB HOLDING A LICENSE MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:

(I) HAS MOVED FROM THE COUNTY; OR

(II) NO LONGER HAS A FINANCIAL INTEREST IN THE CORPORATION OR CLUB.

(2) THE SUBSTITUTION MAY NOT BE ACCOMPANIED BY A SALE OF CORPORATE STOCK THAT RESULTS IN A CHANGE OF THE CONTROLLING INTEREST OF THE CORPORATION OR CLUB.

(B) SUBMISSION OF LETTER.

THE CORPORATION OR CLUB MAY APPLY TO THE BOARD FOR A SUBSTITUTION BY SUBMITTING A LETTER THAT IS SIGNED BY THE NEW LICENSE APPLICANT AND THE TWO REMAINING LICENSE HOLDERS.

(C) CONDITIONS FOR APPROVAL OF SUBSTITUTION.

THE BOARD MAY NOT APPROVE THE APPLICATION FOR THE SUBSTITUTION UNLESS:

(1) ALL OBLIGATIONS OF THE CORPORATION OR CLUB HAVE BEEN PAID; OR

(2) AN ARRANGEMENT CONCERNING DEBTS AND OBLIGATIONS SATISFACTORY TO THE CREDITORS OF THE CORPORATION OR CLUB HAS BEEN MADE.

(D) CORRECTED LICENSE TO BE ISSUED.

(1) ON THE APPROVAL OF THE BOARD AND THE PAYMENT OF THE NECESSARY COSTS AND FEES, A CORRECTED LICENSE SHALL BE ISSUED.

(2) IN ALL OTHER CASES A FORMAL TRANSFER OF THE LICENSE SHALL BE ACCOMPLISHED IN ACCORDANCE WITH §§ 4-302, 4-304, AND 4-305 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(c)(4).

In subsection (a)(1) of this section, the former phrase "during any license year" is deleted as surplusage.

Also in subsection (a)(1) of this section, the former references to an officer who has "died" or has "retired" are deleted as redundant of provisions in § 4-306(a) of this article.

In subsection (d)(1) of this section, the reference to a "corrected license" is substituted for the former reference to a "new license ... with the correct names on it" for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the references to a "corporation or club" throughout this section may be too narrow because a license may be held for the use of other types of business entities, such as limited liability companies. The General Assembly may want to consider using a term that encompasses all of the types of business entities for the use of which a license may be held.

Defined terms: "Board" § 11-101

"Club" § 1-101

"County" § 11-101

"License" § 1-101

"License holder" § 1-101

SUBTITLE 18. RENEWAL OF LICENSES.

11-1801. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 11–101
“License” § 1–101

11–1802. RENEWAL APPLICATION FEE.

AN APPLICANT FOR A LICENSE RENEWAL SHALL PAY TO THE LOCAL COLLECTING AGENT A NONREFUNDABLE RENEWAL FEE OF \$50 IN ADDITION TO THE ANNUAL LICENSE FEE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(u).

Defined terms: “License” § 1–101
“Local collecting agent” § 1–101

11–1803. HOLDERS OF OUT–OF–STATE LICENSES.

NOTWITHSTANDING § 11–1504 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(2), as it related to the renewal of a license by a person who holds an out–of–state license.

The phrase “[n]otwithstanding § 11–1504 of this title,” is added to clarify that this section is an exception to § 11–1504.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out–of–state” license is substituted for the former reference to the “except[ion] by way of renewal to a person, corporation, or limited liability company holding” an out–of–state license for clarity and to avoid the implication that a licensee can obtain an out–of–state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101
“Beer” § 1–101
“Board” § 11–101
“State” § 1–101
“Wine” § 1–101

11-1804. MULTIPLE LICENSES.

NOTWITHSTANDING § 11-1505 OF THIS TITLE, A PERSON THAT HAS AN INTEREST IN MORE THAN ONE LICENSE MAY RENEW THE LICENSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-301(3)(i), as it related to the renewal of a license.

The phrase "[n]otwithstanding § 11-1505 of this title," is added to clarify that this section is an exception to § 11-1505.

Defined terms: "License" § 1-101

"Person" § 1-101

11-1805. RENEWAL AND REISSUANCE RESTRICTIONS.**(A) IN GENERAL.**

(1) (I) A LICENSE MAY NOT BE RENEWED UNLESS THE LICENSE HOLDER HAS ACTIVELY ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES AS AUTHORIZED BY THE LICENSE WITHIN 1 YEAR BEFORE THE DATE OF APPLICATION FOR RENEWAL.

(II) AN ATTEMPTED RENEWAL OF A DORMANT LICENSE NOT IN ACCORDANCE WITH THIS SECTION IS VOID.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE REISSUANCE OF A DORMANT LICENSE IS SUBJECT TO THE HEARING, NOTICE, AND OTHER PROVISIONS OF TITLE 4, SUBTITLE 2 OF THIS ARTICLE.

(3) THE BOARD MAY RENEW OR REISSUE THE DORMANT LICENSE OF A LICENSE HOLDER WITHOUT HOLDING A HEARING IF:

(I) THE MAIN BUILDING OF THE LICENSED PREMISES HAS BEEN DESTROYED BY FIRE, WIND, OR FLOOD; AND

(II) THE LICENSE HOLDER PROVES THAT SUBSTANTIAL EFFORTS ARE BEING MADE TO RESTORE, REPLACE, OR REPAIR THE LICENSED PREMISES.

(B) REISSUANCE OF LICENSE.

(1) A LICENSE REISSUANCE IS IN EFFECT FOR 1 YEAR AFTER THE BOARD APPROVES THE REISSUANCE.

(2) THE LICENSE HOLDER MAY SEEK A REISSUANCE FOR AN ADDITIONAL YEAR BY FOLLOWING THE PROCEDURES OF THIS SECTION.

(3) THE LICENSE HOLDER SHALL PAY THE ANNUAL LICENSE FEE FOR EACH YEAR OF THE REISSUANCE, INCLUDING ANY YEAR THAT THE LICENSED PREMISES IS NOT OPEN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–203(c)(4)(ii) and, as it related to the renewal of a license, (i).

In subsection (a)(1)(ii) of this section, the former reference to an attempted renewal being “null and” void is deleted as surplusage.

In subsection (a)(2) of this section, the reference to a “dormant license” is substituted for the former reference to a “license to any licensee whose license has been nonrenewed under the provisions of this section” for brevity.

In the introductory language of subsection (a)(3) of this section, the reference to renewing or reissuing the dormant license “without holding a hearing” is added for clarity.

In subsection (a)(3)(ii) of this section, the reference to “the license holder prov[ing] that substantial efforts are being made” to restore, replace, or repair the “licensed premises” is substituted for the former reference to the requirement that “it has been proven that the licensee is making substantial efforts” to restore, replace, or repair the “building” for clarity.

In subsection (b)(1) of this section, the reference to a “license reissuance” is substituted for the former reference to an “extension” for consistency.

In subsection (b)(2) of this section, the reference to the authority for the “license holder” to “seek a reissuance for an additional year by following the procedures of this section” is substituted for the former requirement that “[i]f the licensee desires another extension, the licensee shall follow the same procedure” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.

11-1901. APPLICATION OF GENERAL PROVISIONS.**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4-508 (“DISPLAY OF LICENSE”).**

(B) VARIATION.

SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-1902 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 11-101

“License” § 1-101

“License holder” § 1-101

11-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**(A) INDIVIDUALS AT LEAST 16 YEARS OLD.**

A HOLDER OF A CLASS A LICENSE MAY EMPLOY AN INDIVIDUAL AT LEAST 16 YEARS OLD TO STOCK ALCOHOLIC BEVERAGES.

(B) INDIVIDUALS AT LEAST 18 YEARS OLD.

AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SERVE ALCOHOLIC BEVERAGES WHILE ACTING AS A SERVER.

(C) INDIVIDUALS UNDER THE AGE OF 21 YEARS.

AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS A BARTENDER OR IN ANY SOLELY BAR-RELATED CAPACITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 12-202(d) and 12-302(b)(1).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In subsection (b) of this section, the reference to a "server" is substituted for the former reference to a "waiter or waitress" for brevity.

Also in subsection (b) of this section, the former phrase "in the capacity of" is deleted as surplusage.

In subsection (c) of this section, the former phrase "notwithstanding any provisions in this article to the contrary" is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (c) of this section, the former reference to a "barmaid" is deleted as included in the reference to a "bartender".

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the phrase "bar-related capacity" is unclear.

Defined term: "Alcoholic beverage" § 1-101

11-1903. WINDOW REQUIRED ON PREMISES WITH CLASS D LICENSE.

(A) WINDOW MUST FACE STREET.

A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE PROVIDED ONLY IN A ROOM WITH AT LEAST ONE PLAIN GLASS WINDOW FACING THE STREET.

(B) UNOBSTRUCTED VIEW OF INTERIOR OF PREMISES.

(1) THE WINDOW SHALL ENABLE AN INDIVIDUAL STANDING ON THE GROUND TO OBSERVE THE INTERIOR OF THE PREMISES WHEN SALES OF ALCOHOLIC BEVERAGES ARE PROHIBITED.

(2) THE VIEW AFFORDED BY THE WINDOW MAY NOT BE OBSTRUCTED WHEN SALES OF ALCOHOLIC BEVERAGES ARE PROHIBITED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-202.1.

In subsection (a) of this section, the reference to alcoholic beverages being "provided" is substituted for the former reference to alcoholic beverages being "sold or furnished" for brevity.

Also in subsection (a) of this section, the former reference to a "highway" is deleted as included in the reference to a "street".

Also in subsection (a) of this section, the former phrase "for the sale of alcoholic beverages on any premises" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to an "individual" is substituted for the former reference to a "person" because this section applies only to human beings.

Also in subsection (b)(1) of this section, the former phrase "at all hours" is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to the "highway" is deleted as included in the reference to the "ground".

In subsection (b)(2) of this section, the phrase "when sales of alcoholic beverages are prohibited" is substituted for the former phrase "[d]uring those hours" for clarity.

Also in subsection (b)(2) of this section, the former reference to "windows" is deleted in light of the reference to "window" and GP § 1-202, which provides that the singular generally includes the plural.

Also in subsection (b)(2) of this section, the former prohibition against the view not being obstructed by "any curtain, blind, or other obstruction" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Wine" § 1-101

SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**11–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.****(A) IN GENERAL.**

(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.

(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES THAT IS PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Anne Arundel County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former references to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public,

and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101
“Person” § 1–101

11–2002. BEER LICENSES.

RESERVED.

11–2003. BEER AND LIGHT WINE LICENSES.

(A) CLASS A BEER AND LIGHT WINE LICENSE.

(1) A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

(B) CLASS B BEER AND LIGHT WINE LICENSE.

(1) A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER AND LIGHT WINE AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER AND LIGHT WINE IS ALLOWED BY LAW.

(C) CLASS C BEER AND LIGHT WINE LICENSE.

(1) A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER AND LIGHT WINE AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER AND LIGHT WINE IS ALLOWED BY LAW.

(D) CLASS D BEER AND LIGHT WINE LICENSE.

(1) A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

(E) CLASS H BEER AND LIGHT WINE LICENSE.

(1) A HOLDER OF A CLASS H BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–202(d)(2), 11–502(a) and (d), and, as it related to the sale of alcoholic beverages, 11–403(a)(2)(ii).

Throughout this section, the references to “beer and light wine” are substituted for the broader former references to “alcoholic beverages” in accordance with the scope of this section.

In subsections (b)(4) and (c)(4) of this section, the references to “sell” are substituted for the former references to “vend, serve, deliver” to conform to the terminology used throughout this article.

Former Art. 2B, § 11–502(c), which stated that the hours established by the article for the sale of alcoholic beverages in the County are declared to be in accordance with Eastern Standard Time on the last Sunday of October in each year, is deleted as obsolete and unnecessary. Since 2007, Eastern Standard Time begins in Maryland on the first Sunday in November; thus, on the last Sunday of October, the State now observes Eastern Daylight Savings Time.

Former Art. 2B, § 11–502(f), which stated that the provisions of former Art. 2B, § 11–502 applied only to the first, second, third, fourth, fifth, seventh, and eighth districts of Anne Arundel County, is deleted as unnecessary. The only election district not stated in former § 11–502 is the sixth, which covers the City of Annapolis. Throughout this revised article, the City of Annapolis is always treated as a jurisdiction separate from Anne Arundel County.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

11–2004. BEER, WINE, AND LIQUOR LICENSES.**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER, WINE, AND LIQUOR IS ALLOWED BY LAW.

(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER, WINE, AND LIQUOR IS ALLOWED BY LAW.

(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

(E) CLASS H BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS H BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–202(d)(2), 11–502(a) and (d), and, as it related to the sale of alcoholic beverages, 11–403(a)(2)(ii).

Throughout this section, the references to “beer, wine, and liquor” are substituted for the broader former references to “alcoholic beverages” in accordance with the scope of this section.

In subsections (b)(4) and (c)(4) of this section, the references to “sell or provide” alcoholic beverages are substituted for the former references to “vend, serve, [or] deliver” alcoholic beverages to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

11–2005. SUNDAY HOURS.

EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(d)(2).

The former reference to “§ 6–501 of this article”, which refers to the Class E beer, wine, and liquor license issued for water vessels, is deleted as outside the scope of this title because the Class E license is issued by the Comptroller and not by the Anne Arundel Board of License Commissioners.

The former phrase “[n]otwithstanding any other provisions of this article and except for ‘special licenses’ provided for in § 6–501 of this article” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

11–2006. HOURS FOR JANUARY 1.

A HOLDER OF AN ON-SALE LICENSE MAY NOT BE REQUIRED TO CLOSE THE LICENSED PREMISES AT ANY TIME ON JANUARY 1.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(c).

The former language that authorized the license holder to sell alcoholic beverages that are authorized by the license at any time on January 1 is deleted as implicit in the prohibition against requiring a license holder to close the licensed premises at any time on January 1.

The former reference to January 1 “of any year” is deleted as surplusage.

Former Art. 2B, § 11–402(c)(1), which stated that former Art. 2B, § 11–402(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “License” § 1–101

11–2007. SALES AFTER HOURS — IN GENERAL.

(A) 15–MINUTE RULE FOR REMAINING OPEN AFTER HOURS.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND § 11–2006 OF THIS SUBTITLE, A LICENSED PREMISES MAY NOT REMAIN OPEN TO THE PUBLIC OR TO A PRIVATE PERSON FOR ANY PURPOSE FOR MORE THAN 15 MINUTES AFTER THE HOURS AND DAYS OF SALE SPECIFIED IN THIS TITLE, EVEN IF ALCOHOLIC BEVERAGES ARE NOT SOLD.

(B) PERMISSION TO SELL FOOD OR OTHER NONALCOHOLIC ITEMS AFTER HOURS.

(1) THE BOARD MAY ALLOW A LICENSE HOLDER TO SELL FOOD OR OTHER NONALCOHOLIC ITEMS UNTIL A SPECIFIED TIME IF:

(I) THE APPLICANT SATISFIES THE BOARD THAT SUITABLE PRECAUTIONS HAVE BEEN TAKEN TO PREVENT THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES AFTER THE HOURS OF CLOSING; AND

(II) THE APPLICANT HOLDS:

- 1. A CLASS B LICENSE;**
- 2. A MOTEL/HOTEL–RESTAURANT COMPLEX LICENSE, AS DESCRIBED IN § 11–907 OF THIS TITLE;**
- 3. A CLASS A LICENSE, WITH RETAIL SALES OF ALCOHOLIC BEVERAGES NOT EXCEEDING 25% OF THE LICENSE HOLDER’S TOTAL RETAIL VOLUME; OR**
- 4. A CLASS H LICENSE.**

(2) THE BOARD SHALL ISSUE A PERMIT TO A LICENSE HOLDER WHO RECEIVES PERMISSION TO SELL NONALCOHOLIC ITEMS UNDER THIS SUBSECTION.

(C) FEE.

THE ANNUAL FEE FOR THE PRIVILEGE TO SELL FOOD OR OTHER NONALCOHOLIC ITEMS AFTER HOURS IS \$10.

(D) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE SAME PENALTY IMPOSED FOR SELLING ALCOHOLIC BEVERAGES AFTER HOURS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–502(b).

In subsection (b) of this section, the defined term “Board” is substituted for the former reference to “license commissioners” to conform to the terminology used throughout this title.

In subsection (c) of this section, the phrase “for the privilege to sell food or other nonalcoholic items after hours” is added for clarity.

In subsection (d) of this section, the reference to a “person who violates this section” is substituted for the former reference to “[a]ny violation of this subsection” to conform to the terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

11–2008. SALES AFTER HOURS — BOWLING ALLEYS.

(A) BOWLING ALLEY MAY REMAIN OPEN UNTIL SPECIFIED HOUR.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY AUTHORIZE A BOWLING ALLEY WITH 20 LANES OR MORE THAT HAS A CLASS B OR CLASS D LICENSE TO STAY OPEN FOR BOWLING AND SERVE FOOD UNTIL A SPECIFIED HOUR.

(B) RESTRICTIONS.

(1) ALL ALCOHOLIC BEVERAGES SHALL BE KEPT UNDER LOCK AND KEY FROM 2 A.M. TO 6 A.M.

(2) AN INDIVIDUAL UNDER 18 YEARS OLD MAY NOT BE ON THE PREMISES FROM 2 A.M. TO 6 A.M. UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A SPOUSE, PARENT, OR GUARDIAN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-502(h).

In subsection (b)(2) of this section, the reference to an "individual" is substituted for the former reference to a "person" because the provision applies only to human beings.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 11-101

"License" § 1-101

11-2009. PER DIEM LICENSES.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, WHEN A PER DIEM LICENSE IS ISSUED UNDER SUBTITLE 11, PART 3 OF THIS TITLE, A HOLDER OF A WHOLESALER'S LICENSE MAY AGREE WITH THE HOLDER OF THE CLASS C LICENSE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-502(i).

The reference to a "per diem license ... issued under Subtitle 11, Part 3 of this title" is substituted for the former reference to a "special Class C license ... issued under the provisions of § 7-101 of this article" for clarity.

Defined terms: "License" § 1-101

"Wholesaler's license" § 1-101

11-2010. RESTRICTIONS ON CONSUMPTION.

(A) "PREMISES" DEFINED.

IN THIS SECTION, "PREMISES" MEANS:

(1) A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, DISCO, OR PLACE OF PUBLIC ENTERTAINMENT;

(2) A PLACE OPEN TO THE PUBLIC; OR

(3) A PLACE LICENSED BY THE STATE OR THE COUNTY.

(B) CONSUMPTION PROHIBITED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT PROVIDE OR ALLOW TO BE CONSUMED ON THE PREMISES OR ON PREMISES UNDER ITS POSSESSION OR CONTROL ANY ALCOHOLIC BEVERAGES OTHER THAN AS SPECIFICALLY ALLOWED UNDER THIS ARTICLE.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR HOSPICE.

(C) PENALTY.

A PERSON WHO KNOWINGLY ALLOWS CONSUMPTION IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(c)(1)(ii) and (iii) and (3).

In subsection (a)(3) of this section, the former phrase “in any way” is deleted as surplusage.

In subsection (c) of this section, the defined term “person” is substituted for the former reference to “[a]ny owner, operator, manager, or employee of the premises” for brevity and to conform to other similar provisions of the Code.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 11–101

“Restaurant” § 1–101

“State” § 1–101

11–2011. CONSUMPTION AT BAR OR COUNTER.

A PATRON MAY CONSUME AN ALCOHOLIC BEVERAGE AUTHORIZED BY LAW TO BE SOLD AT A BAR OR COUNTER ON A DAY ON WHICH THE SALE OF THE ALCOHOLIC BEVERAGE IS AUTHORIZED BY LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–403(a)(2)(ii), as it related to the consumption of alcoholic beverages.

Defined term: “Alcoholic beverage” § 1–101

SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.

11-2101. APPLICATION OF GENERAL PROVISIONS.**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”);**
- (3) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”); AND**
- (4) § 4-606 (“EFFECTS OF REVOCATION”).**

(B) VARIATION.

SECTION 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 11-2102 AND 11-2103 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(2), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 11-101

“License” § 1-101

“Local licensing board” § 1-101

11-2102. IMMEDIATE SUSPENSION OF LICENSE.**(A) IN GENERAL.**

(1) IN ADDITION TO THE REVOCATION AND SUSPENSION PROCEDURES PROVIDED UNDER § 4-603 OF THIS ARTICLE, THE BOARD MAY IMMEDIATELY SUSPEND A LICENSE IF IT IS ALLEGED BY A PERSON SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT THE LICENSE HOLDER HAS SOLD OR PROVIDED ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21

YEARS WITH SUCH FREQUENCY AND DURING SUCH A LIMITED TIME SO AS TO DEMONSTRATE A WILLFUL FAILURE TO COMPLY WITH § 6-304 OF THIS ARTICLE.

(2) AN ALLEGATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE MADE BY:

(I) THE COMPTROLLER OR AN AGENT OR EMPLOYEE OF THE COMPTROLLER;

(II) THE BOARD OR AN AGENT OR EMPLOYEE OF THE BOARD; OR

(III) A PEACE OFFICER.

(B) 7-DAY LIMIT ON SUSPENSION.

A SUSPENSION UNDER THIS SECTION MAY NOT EXCEED 7 DAYS.

(C) HEARING AND NOTICE REQUIRED AFTER SUSPENSION.

IF A LICENSE IS SUSPENDED UNDER THIS SECTION, THE BOARD SHALL:

(1) HOLD A HEARING ON THE MATTER WITHIN 7 DAYS AFTER THE SUSPENSION BEGINS; AND

(2) GIVE NOTICE TO THE LICENSE HOLDER AT LEAST 2 DAYS BEFORE THE HEARING.

(D) FAILURE TO PROVIDE NOTICE.

IF THE BOARD FAILS TO PROVIDE THE LICENSE HOLDER WITH NOTICE OF A HEARING BEFORE THE END OF THE FIFTH DAY AFTER A SUSPENSION BEGINS:

(1) THE SUSPENSION SHALL END; AND

(2) THE LICENSE HOLDER SHALL BE ALLOWED TO RESUME THE SALE OF ALCOHOLIC BEVERAGES ON THE NEXT DAY ALLOWED UNDER THE LICENSE.

(E) EFFECT OF SECTION.

THIS SECTION DOES NOT PREVENT A LICENSE HOLDER WHOSE LICENSE IS SUSPENDED UNDER THIS SECTION FROM SEEKING AN INJUNCTION OR OTHER APPROPRIATE RELIEF.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–403(a)(2)(ii) and 15–112(c)(6).

In subsection (a)(1) of this section, the phrase “[i]n addition to the revocation and suspension procedures provided under § 4–603 of this article,” is added for clarity.

Also in subsection (a)(1) of this section, the former phrase “[n]othing contained in this section shall prevent the immediate suspension” of a license is deleted as included in the reference to the power of the Board to immediately suspend a license.

In subsection (c)(1) and the introductory language of subsection (d) of this section, the references to a suspension “begin[ning]” are added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

11–2103. LESSER LICENSE AS ALTERNATIVE TO SUSPENSION OR REVOCATION.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, INSTEAD OF ORDERING THE REVOCATION OR SUSPENSION OF A LICENSE, THE BOARD MAY ORDER A LICENSE HOLDER TO EXCHANGE THE LICENSE FOR A LESSER LICENSE:

(1) UNDER WHICH ONLY ALCOHOLIC BEVERAGES OF A LOWER ALCOHOLIC CONTENT OR OF A MORE LIMITED KIND THAN UNDER THE LICENSE ORDERED EXCHANGED MAY BE SOLD; AND

(2) THAT HAS FEWER PRIVILEGES OR MORE OR GREATER RESTRICTIONS THAN THE LICENSE ORDERED EXCHANGED.

(B) CONDITIONS FOR ISSUANCE OF LESSER LICENSE.

SUBSECTION (A) OF THIS SECTION APPLIES ONLY IF:

(1) AFTER A HEARING, THE BOARD FINDS THAT A LICENSE HOLDER OR THE OPERATION OF A LICENSED PREMISES HAS VIOLATED OR IS VIOLATING THIS ARTICLE; AND

(2) THE PENALTY FOR THE VIOLATION REQUIRES OR ALLOWS A LICENSE TO BE REVOKED OR SUSPENDED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–401(c)(2) and (3).

Throughout this section, former references to a “more restricted” license are deleted as included in the reference to a “lesser” license.

In subsection (a) of this section, the references to a license that is “exchanged” are substituted for the former references to a license that is “transferred” for clarity and consistency throughout this section.

In the introductory language of subsection (a) of this section, the former reference to “direct” a license holder is deleted in light of the reference to “order” a license holder.

In subsection (b)(1) of this section, the former reference to a licensed premises “operating under a license issued by the Board” is deleted as implicit in the reference to a “licensed premises”.

Former Art. 2B, § 10–401(c)(1), which stated that former Art. 2B, § 10–401(c) applied in all election districts in Anne Arundel County except the sixth, is deleted as unnecessary in light of the organization of this revised article. In the past, the sixth district consisted of the City of Annapolis. The City of Annapolis is not covered by this section but instead is covered under Title 10 of this article.

Former Art. 2B, § 10–401(c)(4), which stated that “[t]he Board may determine if any license is to be suspended or revoked for the violation of any of the provisions of this section or any other provisions of this article, the penalty for a violation of which provision requires or permits licenses to be suspended or revoked”, is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

SUBTITLE 22. EXPIRATION OF LICENSES.

11–2201. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: "County" § 11-101
"License" § 1-101

SUBTITLE 23. DEATH OF LICENSE HOLDER.

11-2301. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4-802 ("EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER");

(2) § 4-804 ("TRANSFER OR REINSTATEMENT OF LICENSE");

(3) § 4-805 ("RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION"); AND

(4) § 4-806 ("REFUND").

(B) VARIATION.

SECTION 4-803 ("CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-2302 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: "County" § 11-101
"License" § 1-101
"License holder" § 1-101

11-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.

(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.

(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:

(I) THE SURVIVING SPOUSE;

(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR

(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.

(2) THE NEW LICENSE SHALL BE ISSUED:

(I) FOR THE BALANCE OF THE LICENSE YEAR; AND

(II) WITHOUT FURTHER PROCEEDINGS.

(B) RENEWAL LICENSE.

A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:

(1) THE SURVIVING SPOUSE;

(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR

(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(b)(1).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 11–101

“License” § 1–101

“License holder” § 1–101

SUBTITLE 24. JUDICIAL REVIEW.

11–2401. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 11–101

11–2402. COURT MAY REMAND.

IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(ii)1.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 11–101

“County” § 11–101

SUBTITLE 25. UNLICENSED ESTABLISHMENTS.

11–2501. SERVING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.

A PERSON MAY NOT GIVE OR ALLOW TO BE CONSUMED ON THE PREMISES OR ON PREMISES UNDER ITS CONTROL OR POSSESSION AN ALCOHOLIC BEVERAGE OTHER THAN AS AUTHORIZED UNDER THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(c)(1)(iii)1.

The former reference to a “corporation, club, or organization” is deleted as included in the defined term “person”.

The former reference to “specifically” authorized is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

11–2502. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES FROM SUPPLIES HELD FOR CUSTOMER.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO AN ESTABLISHMENT THAT:

(1) INCLUDES A RESTAURANT, HOTEL, CLUB, ROOM, DANCE STUDIO, DISCO, PLACE OF PUBLIC ENTERTAINMENT, AND PLACE OPEN TO THE PUBLIC; AND

(2) IS SUBJECT TO A LICENSE ISSUED BY THE STATE OR THE COUNTY OTHER THAN A LICENSE ISSUED UNDER THIS ARTICLE.

(B) PROHIBITION AGAINST OWNER OR MANAGER.

AN OWNER OR A MANAGER OF AN ESTABLISHMENT UNDER SUBSECTION (A) OF THIS SECTION MAY NOT SERVE, KEEP, OR ALLOW TO BE CONSUMED BY A CUSTOMER

ALCOHOLIC BEVERAGES FROM SUPPLIES THAT THE CUSTOMER PURCHASED, RESERVED, OR BROUGHT TO THE ESTABLISHMENT.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–101(a), (c), and (d).

Subsection (a) of this section is revised as an enumeration of establishments to which this section applies, rather than as the definition of “bottle club,” for clarity and brevity. In the former law, a “bottle club” was defined as a certain type of unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities.

In subsection (b) of this section, actions that were formerly included within the former defined term “bottle club” are prohibited.

Also in subsection (b) of this section, the former prohibition against “giv[ing]” and “dispens[ing]” are deleted as included in the reference to “serv[ing]”.

Also in subsection (b) of this section, the former provision prohibiting an owner or operator of an unlicensed establishment from “[e]vad[ing] the alcoholic beverages laws in the county, including laws governing the hours of operation” is deleted as unnecessary.

Former Art. 2B, § 20–101(b), which provided that former Art. 2B, § 20–101 applied only in Anne Arundel County is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Club” § 1–101

“County” § 11–101

“License” § 1–101

“Person” § 1–101

11–2503. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR HOSPICE.

(B) PROHIBITION AGAINST INDIVIDUAL.

EXCEPT AS PROVIDED ELSEWHERE IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:

- (1) A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, OR DISCO;**
- (2) A PLACE OPEN TO THE PUBLIC;**
- (3) A PLACE OF PUBLIC ENTERTAINMENT;**
- (4) A PLACE THAT IS LICENSED BY THE STATE OR THE COUNTY; OR**
- (5) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

(C) PROHIBITION AGAINST OWNER OR MANAGER.

AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (B) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS PROVIDED IN SUBSECTION (B) OF THIS SECTION.

(D) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and (2)(i) and (c)(1)(ii) and (iii)2.

In subsection (b)(2) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b)(4) of this section, the former reference to a place that is “in any way” licensed by the State or county is deleted as surplusage.

In subsection (c) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (d) of this section, the former minimum penalty is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Former Art. 2B, § 11–304(c)(1)(i), which provided that former Art. 2B, § 11–304(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Club” § 1–101

“County” § 11–101

“Person” § 1–101

“Restaurant” § 1–101

“State” § 1–101

SUBTITLE 26. ENFORCEMENT.

11–2601. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 6–202 (“INSPECTIONS”);

(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);

(3) § 6–205 (“PEACE OFFICERS”);

(4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);

(5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(7) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(8) § 6–211 (“FINES AND FORFEITURES”).

(B) EXCEPTION.

SECTION 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 11–2602 OF THIS SUBTITLE.

(C) VARIATION.

SECTION 6–204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, IN ADDITION TO § 11–2604 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 11–101

“State” § 1–101

11–2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.

THE COUNTY MAY:

(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6–320 OF THIS ARTICLE; AND

(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(1).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 11–101

11-2603. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**(A) IN GENERAL.**

THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.

(B) REFUSAL TO COMPLY WITH SUBPOENA.

(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.

(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.

(C) FEES AND COSTS.

(1) THE BOARD SHALL CHARGE FEES FOR THE PRODUCTION AND SERVICE OF A SUMMONS.

(2) THE FEES MAY BE ASSESSED ONLY AGAINST A LICENSE HOLDER OR PARTY WHOM THE BOARD HAS ADJUDICATED RESPONSIBLE FOR A VIOLATION OF A LAW CONCERNING ALCOHOLIC BEVERAGES.

(3) THE FEES ARE:

(I) \$20, FOR THE PRODUCTION OF A SUMMONS BY THE CLERK TO THE BOARD;

(II) \$5, FOR AN ADDRESS PROVIDED BY THE CLERK TO THE BOARD AND THE SERVICE IS BY MAIL; AND

(III) \$30, FOR EACH ADDRESS IF THE SERVICE IS BY AN INVESTIGATOR EMPLOYED BY THE BOARD.

(4) IN ADDITION TO OTHER FINES, PENALTIES, OR COSTS THAT MAY BE IMPOSED, THE BOARD SHALL ALSO IMPOSE COSTS OF \$100 AGAINST A LICENSE HOLDER OR PARTY WHOM THE BOARD HAS FOUND TO HAVE VIOLATED A LAW CONCERNING ALCOHOLIC BEVERAGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(i), (2), and (3) and (d)(2), (3), and (4).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

In subsection (c)(2) and (4) of this section, the former references to a “statute, rule, or regulation” are deleted as included in the references to a “law”.

Former Art. 2B, § 16–410(d)(1), which stated that former Art. 2B, § 16–410(d) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“License holder” § 1–101

11–2604. SERVICE OF SUMMONS.

IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6–204 OF THIS ARTICLE, AN INSPECTOR THAT THE BOARD EMPLOYS AND COUNTY POLICE MAY SERVE A SUMMONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(b)(2)(i)2.

The reference to “County police” is substituted for the former reference to the “Anne Arundel County Police Department” for brevity.

Defined terms: “Board” § 11–101

“County” § 11–101

11–2605. ISSUANCE OF CITATIONS.

AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–408, as it related to inspectors in Anne Arundel County.

The former reference to license violations “under this article” is deleted as surplusage.

Defined term: “License” § 1–101

11–2606. ADDITIONAL RESOURCES AVAILABLE TO BOARD.

THE BOARD MAY CALL ON OTHER COUNTY ADMINISTRATIVE DEPARTMENTS AND ALL PROSECUTING OFFICERS TO PROVIDE INFORMATION AND ASSISTANCE THAT THE BOARD CONSIDERS NECESSARY TO CARRY OUT THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–412.

The former statement that “[n]othing in this section shall apply to the sixth district of Anne Arundel County” is deleted as unnecessary. The Board of License Commissioners for Anne Arundel County does not have jurisdiction in the “sixth district of Anne Arundel County”, which is an obsolete reference to the City of Annapolis. *See* § 10–202(b) of this article.

Defined terms: “Board” § 11–101
“County” § 11–101

SUBTITLE 27. PROHIBITED ACTS.

11–2701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**
- (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**

- (3) § 6–310 (“PROVIDING FREE FOOD”);
- (4) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (5) § 6–312 (“BEVERAGE MISREPRESENTATION”);
- (6) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (7) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (8) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (9) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);
- (10) § 6–320 (“DISORDERLY INTOXICATION”);
- (11) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (12) § 6–323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (13) § 6–326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (14) § 6–327 (“TAX EVASION”);
- (15) § 6–328 (“DESTRUCTION OF EVIDENCE”); AND
- (16) § 6–329 (“PERJURY”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(2) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);

(3) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”); AND

(4) § 6-322 (“POSSESSION OF OPEN CONTAINER”).

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 11-2702 OF THIS SUBTITLE; AND

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 11-2703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 11-101

“License holder” § 1-101

“Retail dealer” § 1-101

11-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

(B) DUE CAUTION STANDARD FOR NONRESIDENTS.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6–304 OF THIS ARTICLE IF:

(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND

(2) THE INDIVIDUAL IS NOT A RESIDENT OF THE STATE.

(C) BAR TO ADMINISTRATIVE ACTION.

THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(ii) and (iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “finder of fact” is substituted for the former reference to the “jury or the court sitting as a jury” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted as surplusage.

In subsection (c) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (c) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 11–101

“License holder” § 1–101

“State” § 1–101

11–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

(B) BAR TO ADMINISTRATIVE ACTION.

THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (b) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 11–101

“License holder” § 1–101

“State” § 1–101

11–2704. ON–PREMISES CONSUMPTION, DISPLAY, OR POSSESSION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER.

(A) “PREMISES” DEFINED.

IN THIS SECTION, “PREMISES” INCLUDES A BUILDING, PARKING LOT, PICNIC GROUNDS, TERRACE, OR GROUNDS THAT FORM AN INTEGRAL PART OF THE LICENSED PREMISES.

(B) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:

(1) AN INDIVIDUAL MAY NOT CONSUME, DISPLAY, OR POSSESS ON THE LICENSED PREMISES AN ALCOHOLIC BEVERAGE NOT PURCHASED FROM THE LICENSE HOLDER; AND

(2) A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CONSUME, DISPLAY, OR POSSESS ON THE LICENSED PREMISES AN ALCOHOLIC BEVERAGE THAT IS NOT PURCHASED FROM THE LICENSE HOLDER.

(C) BEACH AND AMUSEMENT PARK LICENSE.

A HOLDER OF A BEACH AND AMUSEMENT PARK LICENSE MAY GRANT WRITTEN PERMISSION TO A PATRON OF THE LICENSE HOLDER’S BEACH OR PARK TO BRING AND CONSUME ON THE LICENSED PREMISES AN ALCOHOLIC BEVERAGE NOT PURCHASED FROM THE LICENSE HOLDER.

REVISOR’S NOTE: This section is new language derived without substantive change from the first, second, and fourth sentences of former Art. 2B, § 16–201.

In subsection (b) of this section, the references to “consum[ing]” are substituted for the former references to “drink[ing]” to conform to the terminology used throughout this article.

The third sentence of former Art. 2B, § 16–201, which stated that this section applied “to the first, second, third, fourth, fifth, seventh, and eighth districts of Anne Arundel County only” is deleted as unnecessary in light of the organization of this revised article. The reference to all of the districts of Anne Arundel County except the sixth district is an obsolete way of referring to all

of Anne Arundel County except the City of Annapolis, which in the past was congruent with the sixth district.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

SUBTITLE 28. PENALTIES.

11–2801. APPLICATION OF GENERAL PROVISION.

SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 11–101

11–2802. PENALTY IMPOSED BY BOARD.

(A) IN GENERAL.

THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION UNDER THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.

(B) PENALTY IN ADDITION TO TERM OR CONDITION.

A FINE OR SUSPENSION UNDER SUBSECTION (A) OF THIS SECTION IS IN ADDITION TO ANY TERM OR CONDITION THAT THE BOARD MAY IMPOSE AS A RESULT OF THE VIOLATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(c)(1).

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“County” § 11–101

“License” § 1–101

TITLE 12. BALTIMORE CITY.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

12–101. DEFINITIONS.**(A) IN GENERAL.****IN THIS TITLE:**

(1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND

(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

(B) BOARD.

“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE CITY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Baltimore City”.

(C) CITY.

“CITY” MEANS BALTIMORE CITY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Baltimore City”.

(D) LIGHT WINE.

“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (d).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

(E) RESTAURANT.

THE DEFINITION OF “RESTAURANT” UNDER § 1–101 OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12–104 OF THIS SUBTITLE.

REVISOR’S NOTE: This subsection is new language added to state explicitly what was implied by the former law, that the statewide definition of “restaurant” applies in the City.

Defined terms: “City” § 12–101
“Restaurant” § 1–101

(F) TOTAL DAILY RECEIPTS.

“TOTAL DAILY RECEIPTS” DOES NOT INCLUDE:

- (1) SALES OF NOVELTY ITEMS;**
- (2) INCOME FROM VENDING MACHINES; OR**
- (3) OTHER RECEIPTS NOT RESULTING FROM THE SALE OF FOOD OR BEVERAGES.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 1–102(a)(26).

12–102. SCOPE OF TITLE.

THIS TITLE APPLIES ONLY IN BALTIMORE CITY.

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

12–103. RESTRICTIONS ON ADVERTISING.

(A) CITY ORDINANCE AUTHORIZED.

SUBJECT TO SUBSECTIONS (B) AND (C) THIS SECTION, THE MAYOR AND CITY COUNCIL MAY ADOPT AN ORDINANCE RESTRICTING THE PLACEMENT ON THE SIDE OF A BUILDING OR ANY OTHER PUBLICLY VISIBLE LOCATION OF ANY FORM OF ADVERTISING FOR ALCOHOLIC BEVERAGES, INCLUDING A SIGN, A POSTER, A

PLACARD, A DEVICE, A GRAPHIC DISPLAY, AN OUTDOOR BILLBOARD, AND A FREESTANDING SIGNBOARD.

(B) REQUIREMENTS FOR ADOPTION.

AN ORDINANCE MAY BE ADOPTED IF:

(1) THE ORDINANCE IS NECESSARY TO PROMOTE THE WELFARE AND TEMPERANCE OF MINORS EXPOSED TO ADVERTISEMENTS FOR ALCOHOLIC BEVERAGES PLACED IN PUBLICLY VISIBLE LOCATIONS, INCLUDING OUTDOOR BILLBOARDS, SIDES OF BUILDINGS, AND FREESTANDING SIGNBOARDS; AND

(2) THE RESTRICTIONS DO NOT UNDULY BURDEN LEGITIMATE BUSINESS ACTIVITIES OF A LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES AT RETAIL.

(C) EXCEPTIONS FROM ORDINANCE.

THE ORDINANCE MAY NOT RESTRICT:

(1) THE PLACEMENT OF A SIGN, INCLUDING AN ADVERTISEMENT:

(I) INSIDE LICENSED PREMISES;

(II) ON A COMMERCIAL VEHICLE USED TO TRANSPORT ALCOHOLIC BEVERAGES; OR

(III) IN CONJUNCTION WITH A TEMPORARY LICENSE;

(2) A SIGN THAT CONTAINS THE NAME OR SLOGAN OF THE LICENSED PREMISES THAT HAS BEEN PLACED TO IDENTIFY THE LICENSED PREMISES;

(3) EXCEPT FOR A BILLBOARD AND FREESTANDING SIGNBOARD, A SIGN FOR WHICH ZONING BOARD APPROVAL OR A MINOR PRIVILEGE PERMIT IS REQUIRED;

(4) A SIGN THAT CONTAINS A GENERIC DESCRIPTION OF BEER, WINE, OR LIQUOR, OR ANY OTHER GENERIC DESCRIPTION OF ALCOHOLIC BEVERAGES;

(5) A NEON OR ELECTRICALLY CHARGED SIGN ON LICENSED PREMISES THAT IS PROVIDED AS PART OF A PROMOTION OF A PARTICULAR BRAND OF ALCOHOLIC BEVERAGE;

(6) A SIGN ON AN MTA VEHICLE OR A TAXICAB;

(7) A SIGN ON PROPERTY OWNED, LEASED, OR OPERATED BY THE MARYLAND STADIUM AUTHORITY;

(8) A SIGN AT A FACILITY THAT OPERATES IN ACCORDANCE WITH A LICENSE ISSUED UNDER § 11-304 OF THE BUSINESS REGULATION ARTICLE; OR

(9) A SIGN ON PROPERTY ADJACENT TO AN INTERSTATE HIGHWAY.

(D) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21-105(b), (c), and (e).

In subsection (a) of this section, the former reference to the sides of the building "of the licensed premises" is deleted as included in the broader reference to "the side of a building".

In subsection (c) of this section, the former reference to a "sign at Memorial Stadium" is deleted as obsolete.

In subsection (c)(1)(iii) of this section, the former reference to a "1-day alcoholic beverages license" is deleted as included in the reference to a "temporary license".

Also in subsection (c)(1)(iii) of this section, the former reference to a temporary license "granted by the Board of License Commissioners" is deleted as surplusage.

In subsection (c)(4) of this section, the former reference to "spirits" is deleted as included in the reference to "liquor".

In subsection (d) of this section, the phrase "on conviction" is added to conform to other similar provisions of the Code.

Former Art. 2B, § 21-105(a), which stated that former Art. 2B, § 21-105 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"City" § 12-101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Wine” § 1–101

12–104. REQUIREMENTS FOR RESTAURANTS.

(A) IN GENERAL.

TO BE CONSIDERED A RESTAURANT, AN ESTABLISHMENT SHALL MEET THE REQUIREMENTS OF THIS SECTION.

(B) FOOD SALE RATIO.

AN ESTABLISHMENT SHALL HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 40% OF ITS TOTAL DAILY RECEIPTS.

(C) LIMITATION.

THE BOARD MAY NOT CONSIDER AS FOOD AN INGREDIENT OR A GARNISH USED WITH OR MIXED WITH AN ALCOHOLIC BEVERAGE THAT IS PREPARED AND SERVED FOR ON–PREMISES CONSUMPTION.

(D) WAIVER.

THE BOARD MAY WAIVE THE FOOD REQUIREMENT SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION FOR A RESTAURANT OWNED AND OPERATED BY A NOT–FOR–PROFIT ORGANIZATION IN THE AREA BOUNDED BY SOUTH ELLWOOD AVENUE ON THE WEST, BANK STREET ON THE NORTH, SOUTH BOULDIN STREET ON THE EAST, AND FLEET STREET ON THE SOUTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1–102(a)(22)(ii) and (i)3 and 4.

In subsection (c) of this section, the former reference to food “as used in the definition of ‘restaurant’, whether the definition is established by State law or by regulations adopted by the Board of License Commissioners” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“Restaurant” §§ 1–101, 12–101

“Total daily receipts” § 12–101

12–105. COPY OF LEGISLATION.

A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE MAYOR AND CITY COUNCIL UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “Mayor and City Council” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101
“City” § 12–101

SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.

12–201. ESTABLISHED.

THERE IS A BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE CITY.

REVISOR'S NOTE: This section is new language added to state expressly what was only implicit in the former law, that an entity known as the Board of License Commissioners for Baltimore City exists.

The name “Board of License Commissioners for Baltimore City” is used instead of the commonly used name “Baltimore City Board of Liquor License Commissioners” for clarity and to conform with the terminology used throughout this article to refer to local licensing boards.

Former Art. 2B, § 10–204(d)(1), which provided that “[i]n this subsection, ‘Board’ means the Board of Liquor License Commissioners of Baltimore City”, is deleted as unnecessary in light of the defined term “Board” in § 12–101 of this title.

Former Art. 2B, § 10–204(d)(2), which provided that former Art. 2B, § 10–204(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

12-202. MEMBERSHIP.**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

(1) THE GOVERNOR SHALL APPOINT THREE REGULAR MEMBERS AND ONE SUBSTITUTE MEMBER TO THE BOARD.

(2) THE APPOINTMENTS SHALL BE MADE:

(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR

(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.

(B) QUALIFICATIONS.

(1) EACH MEMBER OF THE BOARD SHALL BE:

(I) A RESIDENT AND VOTER OF THE CITY; AND

(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.

(2) AT LEAST ONE MEMBER OF THE BOARD SHALL BE A MEMBER OF THE BAR OF THE COURT OF APPEALS OF MARYLAND.

(C) SUBSTITUTE MEMBER.

THE SUBSTITUTE MEMBER MAY SERVE ON THE BOARD IF A REGULAR MEMBER IS ABSENT OR RECUSED.

(D) TENURE.

(1) THE TERM OF A MEMBER IS 2 YEARS AND BEGINS ON JULY 1.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(E) VACANCIES.

(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY THAT OCCURS DURING THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(F) REMOVAL.

(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.

(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.

(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS MADE ON THE CHARGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(4) and (d)(2) and (3) and 15–110(a).

In subsections (a)(1) and (c) of this section, the references to a “substitute” member are substituted for the former references to an “alternate” member to conform to the terminology used throughout this subtitle. Similarly, in the introductory language of subsection (b)(1) and in subsection (b)(2) of this section, the references to a “member of the Board” are substituted for the former references to an “appointee”, and in subsection (c) of this section, the reference to a “regular” member is substituted for the former reference to a “permanent” member.

In subsection (a)(1) of this section, the former reference to the “Board of Liquor License Commissioners consist[ing] of” specified members is deleted as unnecessary in light of the requirement that the Governor “appoint” the specified members “to the Board”. Similarly, the former requirement that the Governor appoint “all of the members” is deleted.

In subsection (d) of this section, the references to a successor who is appointed “and qualifies” are added for clarity.

Subsection (e) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (f)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (f)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(d)(1), which provided that “[t]his subsection applies in Baltimore City”, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–101(d)(1), which provided that former Art. 2B, § 15–101(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“City” § 12–101

12–203. CHAIR.

IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE REGULAR MEMBERS OF THE BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Baltimore City. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to “regular members” is substituted for the former reference to “appointees” for clarity and to conform to the terminology used throughout this subtitle.

Defined term: “Board” § 12–101

12–204. DUTIES OF BOARD OR BOARD’S DESIGNEE.

(A) GOVERNANCE, ADMINISTRATION, AND ENFORCEMENT OF ARTICLE.

THE BOARD OR THE BOARD’S DESIGNEE GOVERNS, ADMINISTERS, AND ENFORCES THIS ARTICLE IN THE CITY, INCLUDING:

(1) SUPERVISING THE ACTIVITIES AND INVESTIGATIONS OF THE INSPECTORS AND OTHER EMPLOYEES OF THE BOARD;

(2) EXAMINING THE LOCATION AND GENERAL CHARACTER OF LICENSE HOLDERS IN THE CITY;

(3) REVIEWING THE ZONING OF APPLICANTS AND LICENSE HOLDERS DURING THE LICENSE APPLICATION, LICENSE TRANSFER, AND LICENSE RENEWAL PROCESSES; AND

(4) SUBJECT TO § 12–210 OF THIS SUBTITLE, ADOPTING REGULATIONS CONCERNING ZONING OF LICENSE HOLDERS AND METHODS OF ENFORCEMENT TO CARRY OUT THE PURPOSES AND ENFORCEMENT OF THIS ARTICLE.

(B) ESTIMATE OF APPROPRIATIONS.

(1) IN ACCORDANCE WITH ARTICLE VI, § 4 OF THE BALTIMORE CITY CHARTER, THE BOARD SHALL PROVIDE TO THE DIRECTOR OF FINANCE OF THE CITY THE ESTIMATES OF THE BOARD FOR THE NEXT FISCAL YEAR OF THE APPROPRIATIONS NEEDED TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE MISSION AND GOALS OF THE BOARD.

(2) THE BOARD SHALL:

(I) SUBMIT A BUDGET REQUEST TO THE CITY ANNUALLY IN THE FORM THAT THE DIRECTOR OF FINANCE OF THE CITY REQUIRES; AND

(II) PROVIDE ADDITIONAL BUDGET JUSTIFICATION MATERIAL THAT THE DIRECTOR OF FINANCE OF THE CITY REQUESTS.

(C) ESTABLISHMENT OF PERFORMANCE MEASURES.

(1) THE BOARD SHALL ESTABLISH ANNUAL PERFORMANCE MEASURES USING THE CITISTAT PROGRAM OF THE CITY FOR ACTIVITIES SUCH AS:

(I) FINANCIAL MANAGEMENT;

(II) ISSUANCE OF LICENSES; AND

(III) ENFORCEMENT OF ALCOHOLIC BEVERAGES LAWS.

(2) THE BOARD SHALL MAKE THE PERFORMANCE MEASURES AVAILABLE TO THE PUBLIC ON THE OPEN BALTIMORE WEB SITE.

(3) ON REQUEST, THE BOARD SHALL SUBMIT TO THE OFFICE OF LEGISLATIVE AUDITS PERFORMANCE ACCOUNTABILITY REPORTS TO ENSURE THAT THE BOARD IS ON TRACK TO MEET ITS ANNUAL PERFORMANCE MEASURES.

(D) INFORMATION TO BE POSTED ON WEB SITE.

THE BOARD SHALL:

(1) (I) DIGITIZE AND POST ONLINE ALL RECORDS FOR PUBLIC REVIEW; AND

(II) ADOPT REGULATIONS TO CARRY OUT THIS PARAGRAPH;
AND

(2) PROMINENTLY LIST ON THE WEB SITE OF THE BOARD EACH FEE OR FINE THAT THE BOARD IMPOSES AND COLLECTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–202(a)(4)(viii), 10–204(d)(4), (5), (7), and (8), and 15–112(d)(8) and (14)(i).

In the introductory language of subsection (a) of this section, the former phrase “performing such tasks as” is deleted as surplusage.

In subsection (a)(1) of this section, the former reference to the “several” inspectors is deleted as surplusage.

In subsection (a)(3) of this section, the reference to “applicants and” license holders is added for accuracy because subsection (a)(3) of this section requires the review of zoning during the license application process, at which time an

individual is not a license holder, as well as during the license transfer and renewal processes.

Also in subsection (a)(3) of this section, the reference to the zoning of “license holders” is substituted for the former reference to the zoning of “licenses” for accuracy and consistency with subsection (a)(4) of this section.

In subsection (a)(4) of this section, the introductory language “subject to § 12–210 of this subtitle” is added to reflect that conditions to the adoption of regulations are stated in § 12–210 of this subtitle.

In subsection (b) of this section, the references to the Director of Finance “of the City” are added for clarity.

In subsection (d) of this section, the former reference to “[s]tarting on July 1, 2015,” is deleted as obsolete.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“City” § 12–101

“License” § 1–101

“License holder” § 1–101

12–205. REVENUE FROM FEES PAYABLE TO DIRECTOR OF FINANCE.

THE REVENUE FROM LICENSE FEES, PERMIT FEES, FINES, AND ADVERTISING FEES SHALL BE PAYABLE TO THE DIRECTOR OF FINANCE OF THE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(d)(3).

The reference to the Director of Finance “of the City” is added for clarity.

Defined terms: “City” § 12–101

“License” § 1–101

12–206. COMPENSATION; STAFF.

(A) COMPENSATION OF BOARD MEMBERS.

(1) (I) THE CHAIR AND EACH OTHER REGULAR MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY THAT:

- 1. IS NOT LESS THAN \$28,500;**
- 2. IS SET IN THE ORDINANCE OF ESTIMATES; AND**

3. INCLUDES ANY COST OF LIVING INCREASE AVAILABLE TO MEMBERS OF THE CITY COUNCIL.

(II) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$16,000.

(2) THE CHAIR AND EACH OTHER REGULAR MEMBER OF THE BOARD ARE ELIGIBLE TO RECEIVE THE SAME HEALTH BENEFITS THAT FULL-TIME EMPLOYEES OF THE BOARD RECEIVE.

(B) STAFF — IN GENERAL.

SUBJECT TO SUBSECTIONS (C) THROUGH (E) OF THIS SECTION AND § 12-207 OF THIS SUBTITLE, THE BOARD SHALL:

(1) EMPLOY:

(I) A QUALIFIED ATTORNEY TO SERVE AS COUNSEL FOR THE BOARD IN ACTIONS SEEKING JUDICIAL REVIEW OF DECISIONS OF THE BOARD;

(II) AN EXECUTIVE SECRETARY AND A DEPUTY EXECUTIVE SECRETARY; AND

(III) INSPECTORS, CLERICAL STAFF, AND OTHER ASSISTANTS AS ARE NECESSARY TO FULFILL THE MISSION OF THE BOARD AND ENFORCE THE ALCOHOLIC BEVERAGES LAWS OF THE STATE;

(2) SET THE SALARIES OF THE EMPLOYEES; AND

(3) USE AS NEEDED THE ADVICE OF THE BALTIMORE CITY LAW DEPARTMENT.

(C) STAFF SALARIES.

(1) THE SALARY FOR THE POSITION OF ATTORNEY SPECIFIED IN SUBSECTION (B)(1)(I) OF THIS SECTION SHALL BE AT LEAST THE SALARY ASSIGNED TO THAT POSITION ON MAY 30, 2014.

(2) FOR CIVIL SERVICE EMPLOYEES, SALARY LEVELS AND ADJUSTMENTS SHALL CONFORM TO THE POLICIES OF THE CITY'S BOARD OF ESTIMATES, CIVIL SERVICE COMMISSION, AND DEPARTMENT OF HUMAN RESOURCES, INCLUDING THE CITY UNION OF BALTIMORE SALARY SCALES.

(3) IN DETERMINING THE APPROPRIATE SALARY LEVEL FOR AN EMPLOYEE, THE BOARD MAY CONSIDER THE EMPLOYEE'S LENGTH OF SERVICE, PERFORMANCE, AND EXPERIENCE.

(D) QUALIFICATIONS OF EMPLOYEES.

(1) THE EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SECRETARY SHALL BE:

(I) RESIDENTS OF THE CITY;

(II) OF HIGH CHARACTER AND INTEGRITY; AND

(III) EMPLOYED ON THE BASIS OF THEIR EXECUTIVE SKILL AND EXPERIENCE.

(2) TO THE EXTENT PRACTICABLE, ALL OTHER EMPLOYEES OF THE BOARD SHALL BE RESIDENTS OF THE CITY.

(E) STATUS OF EMPLOYEES.

(1) EXCEPT FOR THE EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SECRETARY, ALL EMPLOYEES OF THE BOARD:

(I) ARE IN THE CLASSIFIED CIVIL SERVICE OF THE CITY; AND

(II) MAY BE HIRED AND REMOVED ONLY IN ACCORDANCE WITH THE LAW THAT GOVERNS CLASSIFIED CIVIL SERVICE EMPLOYEES OF THE CITY.

(2) THE EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SHALL SERVE AT THE PLEASURE OF THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(d) and 15–112(d)(10) through (13) and (14)(ii), (iii), and (iv).

In the introductory language of subsection (a)(1)(i) and in subsection (a)(2) of this section, the references to the “chair” are substituted for the former references to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(1)(ii) of this section, the reference to the “substitute” member is substituted for the former reference to the “alternate” member to conform to the terminology used throughout this subtitle.

In subsection (a)(2) of this section, the reference to the chair and each other “regular” member of the Board being eligible to receive specified benefits is added for clarity. Correspondingly, the former phrase “except the alternate member” is deleted as unnecessary.

In the introductory language of subsection (b) of this section, the requirement that the Board perform the duties specified in subsection (b) of this section “[s]ubject to subsections (c) through (e) of this section and § 12–207 of this subtitle” is substituted for the former phrases “[s]ubject to paragraph (13) of this subsection” and “[s]ubject to subparagraphs (iii) and (iv) of this paragraph”, which modified a requirement to employ an attorney and determine the salaries of Board employees, respectively, for clarity and accuracy.

In subsection (b)(1) of this section, the reference to employing an attorney to serve as “counsel for the Board in actions seeking judicial review of decisions of the Board” is substituted for the former reference to employing an attorney to serve as “appellate counsel for the Board in actions of appeal” for accuracy.

In subsection (c)(3) of this section, the reference to the appropriate salary level “for an employee” is added for clarity.

In subsection (d)(2) of this section, the reference to all “other” employees is added for clarity.

Former Art. 2B, § 15–112(d)(1), which provided that former Art. 2B, § 15–112(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–112(d)(17), which provided that a person who violates former Art. 2B, § 15–112(d) is subject to the penalties specified in former Art. 2B, § 16–503, is deleted as unnecessary. Former Art. 2B, § 16–503, which is revised in § 6–402 of this article, contains general penalties for a violation of any provision of this article for which no other penalty, other than the suspension or revocation of a license or permit, is provided.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(1)(i)3 of this section, which awards the chair and each other regular member of the Board a cost of living increase available to members of the City Council, may violate Article III, § 35 of the Maryland Constitution. Section 35 prohibits the salary or compensation of any public officer whose term of office is not more than 4 years from being increased or decreased during the officer’s term of office.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“City” § 12–101

“State” § 1–101

12–207. MEMBERS AND EMPLOYEES — RESTRICTIONS AND REQUIREMENTS.

(A) IN GENERAL.

(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS AN INTEREST THAT IS:

(I) PROPRIETARY;

(II) OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER MANNER; OR

(III) BENEFICIALLY OWNED THROUGH AN INVESTMENT VEHICLE, ESTATE, TRUST, OR OTHER INTERMEDIARY WHEN THE BENEFICIARY DOES NOT CONTROL THE INTERMEDIARY OR MAY SUPERVISE OR PARTICIPATE IN THE INTERMEDIARY’S INVESTMENT DECISIONS.

(2) A MEMBER OR AN EMPLOYEE OF THE BOARD MAY NOT:

(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED, DISTRIBUTED, OR SOLD;

(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES;

(III) OWN STOCK IN A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN:

1. A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED, DISTRIBUTED, OR SOLD; OR

2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES;

(IV) RECEIVE A SALARY OR OTHER COMPENSATION OR ANY OTHER THING OF VALUE FROM A BUSINESS ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES;

(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY OR ON BEHALF OF ANOTHER PERSON, A COMMISSION, POLITICAL CONTRIBUTION, REMUNERATION, OR GIFT FROM A PERSON ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR

(VI) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM:

1. A PERSON ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR

2. A LICENSE HOLDER.

(B) OTHER PUBLIC EMPLOYMENT BY MEMBERS AND EMPLOYEES.

(1) UNLESS THE PUBLIC OFFICE OR EMPLOYMENT POSES A CONFLICT OF INTEREST, A MEMBER OR AN EMPLOYEE OF THE BOARD MAY HOLD ANY OTHER FEDERAL, STATE, OR LOCAL PUBLIC OFFICE OR EMPLOYMENT.

(2) A MEMBER OF THE BOARD WHO APPLIES FOR GOVERNMENT EMPLOYMENT THAT POSES A CONFLICT OF INTEREST AS DETERMINED BY THE BALTIMORE CITY BOARD OF ETHICS SHALL RESIGN FROM THE BOARD BY A LETTER ADDRESSED TO THE GOVERNOR.

(3) (I) IF AN INDIVIDUAL WHO IS A MEMBER OR AN EMPLOYEE OF THE BOARD SEEKS ELECTION TO AN OFFICE THAT WOULD POSE A CONFLICT OF INTEREST, ON FILING A CERTIFICATE OF CANDIDACY FOR ELECTION OR WITHIN 30 DAYS BEFORE THE FILING DEADLINE FOR THE PRIMARY ELECTION FOR THE OFFICE SOUGHT, WHICHEVER OCCURS LATER, THE INDIVIDUAL SHALL CERTIFY TO THE CITY BOARD OF ELECTIONS UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A MEMBER OR AN EMPLOYEE OF THE BOARD.

(II) THE CERTIFICATION SHALL BE ACCOMPANIED BY A LETTER ADDRESSED TO THE GOVERNOR CONTAINING THE RESIGNATION OF THE MEMBER FROM THE BOARD.

(C) REQUIREMENTS AND RESTRICTIONS FOR EMPLOYEES.

(1) AN EMPLOYEE OF THE BOARD SHALL DEVOTE THE EMPLOYEE'S WHOLE TIME AND ATTENTION TO THE BUSINESS OF THE BOARD DURING THE HOURS DESIGNATED BY THE BOARD FOR THE PERFORMANCE OF OFFICIAL DUTIES.

(2) AN EMPLOYEE OF THE BOARD MAY NOT:

(I) ENGAGE IN AN OCCUPATION, A BUSINESS, OR A PROFESSION THAT IN ANY WAY IS CONNECTED OR ASSOCIATED, DIRECTLY OR INDIRECTLY, WITH THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES; OR

(II) TRANSACT ANY BUSINESS BEYOND THE OFFICIAL DUTIES OF THE EMPLOYEE:

1. WITH A LICENSE HOLDER; OR

2. IN CONNECTION WITH THE OPERATION OF AN ESTABLISHMENT LICENSED FOR THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES.

(3) SUBJECT TO § 12-206(E)(1) OF THIS SUBTITLE, AN EMPLOYEE OF THE BOARD WHO VIOLATES THIS SUBSECTION SHALL BE REMOVED.

(D) COMPLIANCE WITH PUBLIC ETHICS LAWS FINANCIAL DISCLOSURE PROVISIONS AND OPEN MEETING REQUIREMENTS.

(1) A MEMBER OR AN EMPLOYEE OF THE BOARD SHALL COMPLY WITH THE PUBLIC ETHICS LAWS OF THE CITY AND THE FINANCIAL DISCLOSURE PROVISIONS ENACTED BY THE MAYOR AND CITY COUNCIL.

(2) AN ACTION OF A MEMBER OR AN EMPLOYEE OF THE BOARD IS SUBJECT TO STATE REQUIREMENTS FOR OPEN OR PUBLIC MEETINGS, INCLUDING REQUIREMENTS FOR OPEN SESSIONS UNDER TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-112(d)(2) through (6), (16), and (7)(i).

In the introductory language of subsection (a)(2)(vi) of this section, the former phrase "[a]s to any entity licensed under the provisions of this article" is deleted for accuracy.

Also in the introductory language of subsection (a)(2)(vi) of this section, the former reference to any gift "whatsoever" is deleted as surplusage.

In subsections (a)(2)(vi)1 and (c)(2)(i) and (ii)2 of this section, the references to the “distribution” of alcoholic beverages are added for consistency within this section.

In subsection (a)(2)(vi)1 of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in subsection (a)(2)(vi)1 of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

In subsection (a)(2)(vi)2 of this section, the defined term “license holder” is substituted for the former reference to a “[l]icensee licensed under the provisions of this article” to conform to the terminology used throughout this article.

In subsection (b)(3)(i) of this section, the introductory phrase “[i]f an individual who is a member or an employee of the Board seeks election to an office that would pose a conflict of interest,” is added for clarity.

In the introductory language of subsection (c)(2)(ii) of this section, the former reference to business “of any kind whatsoever” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(1) of this section provides that a member or an employee of the Board may hold any other federal, State, or local public office or employment, unless the public office or employment poses a conflict of interest. However, Article 35 of the Maryland Declaration of Rights prohibits a person from holding “at the same time, more than one office of profit, created by the Constitution or Laws of this State”. The General Assembly may wish to consider amending subsection (b)(1) of this section to eliminate any potential conflict between that provision and Article 35.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License holder” § 1–101

“Person” § 1–101

“State” § 1–101

12–208. POWERS OF INSPECTORS.

(A) EXAMINATION OF PROOF OF IDENTIFICATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INSPECTOR MAY EXAMINE ANY IDENTIFICATION USED AS PROOF OF AGE BY AN INDIVIDUAL TO PURCHASE ALCOHOLIC BEVERAGES.

(2) THE EXAMINATION SHALL BE MADE ON THE PREMISES OF THE LICENSED ESTABLISHMENT WHERE THE PURCHASE IS ATTEMPTED.

(B) SERVICE OF SUMMONSES.

AN INSPECTOR MAY SERVE A SUMMONS UNDER § 12-2603 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-112(d)(15) and 16-410(b)(2)(i)3.

In subsection (a)(1) of this section, the reference to an "individual" is substituted for the former reference to a "person" because only a human being and not the other entities included in the definition of "person" can show proof of age to purchase alcoholic beverages.

Also in subsection (a)(1) of this section, the former reference to an inspector "employed by the Board" having authority to examine specified identification is deleted as unnecessary because all inspectors in Baltimore City are employed by the Board. Similarly, in subsection (b) of this section, the former reference to an inspector "employed by the Board of Liquor License Commissioners for Baltimore City" having authority to serve a summons is deleted.

Also in subsection (a)(1) of this section, the former reference to purchasing alcoholic beverages "in the City" is deleted as surplusage.

In subsection (b) of this section, the reference to serving a summons "under § 12-2603 of this title" is added for clarity.

12-209. PAYMENT OF SALARIES AND EXPENSES OF BOARD AND EMPLOYEES.

THE MAYOR AND CITY COUNCIL SHALL:

(1) PAY FROM THE GENERAL FUND OF THE CITY THAT INCLUDES REVENUE FROM THE BOARD THE SALARIES AND EXPENSES OF THE BOARD AND ITS EMPLOYEES; AND

(2) DEVOTE THE BALANCE OF THE REVENUE FROM THE BOARD TO THE GENERAL PURPOSES OF THE CITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(d)(6).

Defined terms: “Board” § 12–101

“City” § 12–101

12–210. REGULATIONS.

(A) AUTHORIZED.

THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.

(B) PUBLIC COMMENT PERIOD AND REVIEW BY CITY SOLICITOR.

BEFORE THE BOARD MAY ADOPT A REGULATION:

(1) THE BOARD SHALL PROVIDE A PERIOD OF AT LEAST 30 DAYS FOR PUBLIC COMMENT; AND

(2) THE CITY SOLICITOR SHALL REVIEW THE REGULATION TO ENSURE THAT THE REGULATION COMPLIES WITH THE AUTHORITY GRANTED TO THE BOARD BY THE STATE.

(C) REGULATIONS TO BE PUBLISHED, POSTED, AND DISTRIBUTED.

(1) THE BOARD SHALL PUBLISH AND POST ONLINE REGULATIONS THAT THE BOARD ADOPTS AND DISTRIBUTE THEM TO THE LICENSE HOLDERS WHOM THE REGULATIONS AFFECT.

(2) THE BOARD MAY REQUIRE A LICENSE HOLDER TO DISPLAY PROMINENTLY IN THE LICENSE HOLDER'S PLACE OF BUSINESS ANY REGULATION OF THE BOARD OR EXCERPT FROM THIS ARTICLE.

(D) REVIEW BY BOARD.

AT LEAST ONCE EVERY 5 YEARS AFTER OCTOBER 31, 2015, THE BOARD SHALL REVIEW ITS REGULATIONS TO ENSURE THAT THE REGULATIONS COMPLY WITH:

(1) THE CURRENT POLICIES AND PRACTICES OF THE BOARD; AND

(2) FEDERAL, STATE, AND LOCAL LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(d)(9) and 16–301(a), as it related to the authority of the Board to adopt regulations.

In subsection (a) of this section, the defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Baltimore City.

Also in subsection (a) of this section, the former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Also in subsection (a) of this section, the reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

In subsection (c)(2) of this section, the former reference to a “statement” is deleted as included in the reference to an “excerpt”.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

SUBTITLE 3. LIQUOR CONTROL.

12–301. LIQUOR CONTROL — NOT APPLICABLE.

THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE CITY.

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the City.

Defined term: “City” § 12–101

SUBTITLE 4. MANUFACTURER'S LICENSES.

12–401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);
- (7) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”);
- (8) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);
- (9) § 2–211 (“RESIDENCY REQUIREMENT”);
- (10) § 2–212 (“ADDITIONAL LICENSES”);
- (11) § 2–213 (“ADDITIONAL FEES”);
- (12) § 2–214 (“SALE OR DELIVERY RESTRICTED”);
- (13) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (14) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (15) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

(1) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”), SUBJECT TO § 12–403 OF THIS SUBTITLE; AND

(2) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”), SUBJECT TO § 12–404 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the City.

Defined terms: “City” § 12–101
“Manufacturer’s license” § 1–101

12–402. HOURS AND DAYS OF SALE OR DELIVERY.

A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101
“Manufacturer’s license” § 1–101

12–403. CLASS 7 MICRO–BREWERY LICENSE.

(A) APPLICATION OF SECTION.

THIS SECTION APPLIES TO A CLASS 7 MICRO–BREWERY LICENSE IN THE CITY.

(B) AUTHORIZED HOLDER.

THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:

(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE CITY; OR

(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT OF THE CITY.

(C) BREWING IN TWO LOCATIONS.

(1) SUBJECT TO PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION, THE HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY:

(I) BREW IN TWO LOCATIONS USING THE SAME CLASS 7 MICRO-BREWERY LICENSE; AND

(II) OBTAIN A CLASS 2 RECTIFYING LICENSE FOR THE PREMISES AT THE TWO LOCATIONS AUTHORIZED UNDER ITEM (I) OF THIS PARAGRAPH.

(2) THE HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY BREW IN TWO LOCATIONS USING THE SAME CLASS 7 MICRO-BREWERY LICENSE IF THE LICENSE HOLDER:

(I) REQUESTS PERMISSION BY SUBMITTING A WRITTEN APPLICATION TO THE COMPTROLLER; AND

(II) OBTAINS WRITTEN APPROVAL FROM THE COMPTROLLER.

(3) BEFORE AUTHORIZING A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE TO BREW IN TWO LOCATIONS USING THE SAME CLASS 7 MICRO-BREWERY LICENSE, THE COMPTROLLER SHALL:

(I) MAKE A DETERMINATION THAT A SECOND LOCATION TO BREW ADDITIONAL CAPACITY IS NECESSARY DUE TO INSUFFICIENT SPACE AT THE EXISTING CLASS 7 LICENSE LOCATION; AND

(II) CONSIDER ANY OTHER FACTOR RELEVANT TO APPROVAL OF THE APPLICATION.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY NOT SERVE OR SELL BEER

FOR ON- OR OFF-PREMISES CONSUMPTION AT THE SECOND BREWING LOCATION AUTHORIZED UNDER THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(ii) and (3)(i) and (iii)4, and (c)(5).

In subsection (c) of this section, the references to "the same Class 7 micro-brewery license" are substituted for the former references to "the same license" for clarity.

Also in subsection (c) of this section, the reference to the second brewing location "authorized under this subsection" is added for clarity.

Defined terms: "Beer" § 1-101

"City" § 12-101

"Comptroller" § 1-101

"License" § 1-101

12-404. OWNERSHIP INTERESTS AND ADVERTISEMENT RESTRICTIONS — CLASS A2 LIGHT WINE LICENSES.

SECTION 2-216(B) AND (D) OF THIS ARTICLE DOES NOT APPLY TO A HOLDER OF A CLASS 3 WINERY LICENSE OR CLASS 4 LIMITED WINERY LICENSE WHO IS ISSUED A CLASS A2 LIGHT WINE ON-SALE AND OFF-SALE LICENSE WITH RESPECT TO THE WINE MANUFACTURED OR BOTTLED ON THE WINERY PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-104(e)(1).

The reference to a "Class 3 winery license or Class 4 limited winery license" is substituted for the former reference to a "Class 3 or Class 4 winery manufacturer's license" for clarity.

Defined terms: "Off-sale" § 1-101

"On-sale" § 1-101

"Wine" § 1-101

SUBTITLE 5. WHOLESALER'S LICENSES.

12-501. APPLICATION OF GENERAL PROVISIONS.

TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler's licenses.

Defined terms: "City" § 12-101

"Wholesaler's license" § 1-101

12-502. HOURS AND DAYS OF SALE OR DELIVERY.

EXCEPT AS PROVIDED IN § 12-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(a).

Defined terms: "Alcoholic beverage" § 1-101

"Wholesaler's license" § 1-101

12-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDERS.

(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.

A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.

THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization

of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

SUBTITLE 6. BEER LICENSES.

12–601. CLASS A BEER LICENSE — NOT APPLICABLE.

A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(d).

Defined terms: “Beer” § 1–101

“City” § 12–101

12–602. CLASS B BEER LICENSE — NOT APPLICABLE.

A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(d).

Defined terms: “Beer” § 1–101

“City” § 12–101

12–603. CLASS C BEER LICENSE — NOT APPLICABLE.

A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(d).

Defined terms: “Beer” § 1–101
“City” § 12–101

12–604. CLASS D BEER LICENSE — NOT APPLICABLE.

A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(d).

Defined terms: “Beer” § 1–101
“City” § 12–101

SUBTITLE 7. LIGHT WINE LICENSES.

12–701. CLASS A LIGHT WINE LICENSE — NOT APPLICABLE.

A CLASS A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE CITY.

REVISOR’S NOTE: This section is new language added to clarify that a Class A light wine license may not be issued in the City of Baltimore.

Defined terms: “City” § 12–101
“Light wine” § 12–101

12–702. CLASS A2 LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A2 LIGHT WINE LICENSE IN THE CITY.

(B) AUTHORIZED HOLDER.

THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL LIGHT WINE PRODUCED OR BOTTLED ON THE WINERY PREMISES:

(1) FOR OFF–PREMISES CONSUMPTION; OR

(2) FOR ON-PREMISES CONSUMPTION BY THE DRINK IN A RESTAURANT THAT IS:

(I) OWNED AND OPERATED BY THE HOLDER OF THE CLASS 4 LIMITED WINERY LICENSE; AND

(II) LOCATED IMMEDIATELY ADJACENT TO THE WINERY PREMISES.

(D) HOURS AND DAYS OF SALE.

THE BOARD SHALL ESTABLISH THE HOURS AND DAYS OF SALE UNDER THE LICENSE.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$250.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–202(b) through (e) and (g).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b) of this section is revised to authorize a license to be issued to certain persons, rather than state qualifications that an applicant for a license must meet, for consistency with similar provisions of this article.

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 winery manufacturer’s license ... [w]ho makes and bottles wine made from Maryland agriculture products” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 limited winery manufacturer’s license”.

In the introductory language of subsection (c) of this section, the reference to “light” wine is added for clarity.

In subsection (c)(2)(i) of this section, the reference to a “Class 4 limited” winery license is added for accuracy.

Former Art. 2B, § 4–202(a), which stated that the provisions of former § 4–202 applied to Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 4–202(f), which stated that wine taxes shall be imposed as provided under Title 5 of the Tax – General Article, is repealed as unnecessary, as the tax on alcoholic beverages, including wine, imposed under Title 5 of the Tax – General Article is generally applicable, including in Baltimore City.

Defined terms: “Board” § 12–101

“City” § 12–101

“Light wine” § 12–101

“Restaurant” § 12–101

SUBTITLE 8. BEER AND LIGHT WINE LICENSES.

12–801. CLASS A BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$110.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(d) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101
“Light wine” § 12–101

12–802. CLASS B BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$165.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(d) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101
“Hotel” § 1–101
“Light wine” § 12–101
“Restaurant” § 1–101

12–803. CLASS C BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$82.50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(d) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Light wine” § 12–101

12–804. CLASS D BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

(C) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$165.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(d) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101
“Light wine” § 12–101

SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.

12–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(C) DRUGSTORE PROHIBITION; EXCEPTION.

A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:

(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;

(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR

(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$858.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(d) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(1) of this section, the former phrase “to keep for sale” is deleted as implicit in the phrase “to sell”.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Defined terms: “Beer” § 1–101
“Wine” § 1–101

12–902. CLASS A–2 BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A–2 BEER, WINE, AND LIQUOR (PACKAGE GOODS) LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(C) CONVERSION OR SUBSTITUTION OF LICENSE PROHIBITED.

(1) A CLASS B–D–7 BEER, WINE, AND LIQUOR LICENSE MAY NOT BE REISSUED AS A CLASS A–2 LICENSE.

(2) A CLASS A–2 LICENSE MAY NOT BE CONVERTED OR SUBSTITUTED FOR ANY OTHER CLASS OF LICENSE, INCLUDING A CLASS B–D–7 BEER, WINE, AND LIQUOR LICENSE.

(D) HOURS AND DAYS OF SALE.

THE HOURS AND DAYS OF SALE FOR THE LICENSE ARE FROM 9 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$858.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–102(c) through (e) and (g).

Subsection (b) of this section is revised in standard language for clarity and consistency within this article.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as included in the reference to “sell”.

In subsection (b)(2) of this section, the reference to “beer, wine, or liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

Also in subsection (b)(2) of this section, the reference to “licensed premises” is substituted for the former reference to “premises where it is sold” for brevity.

In subsection (c) of this section, the former reference to “a reversion to” a Class B–D–7 license is deleted as surplusage.

In subsection (d) of this section, the reference to the “hours and days of sale for the license” is substituted for the former reference to the “hours during which the privileges conferred by this 6–day license may be exercised” for brevity.

Former Art. 2B, § 6–102(a), which stated that former Art. 2B, § 6–102 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–102(b), which stated that the Board may renew a Class B–D–7 beer, wine, and liquor license that is expiring and reissue it as a Class A–2 beer, wine, and liquor license is deleted as obsolete. Under former Art. 2B, § 8–203(d)(9), the holder of an expiring B–D–7 beer, wine, and liquor license seeking to renew the expiring license as a Class A–2 beer, wine, and liquor off-sale package goods license was required to file with the Board a declaration of intent on or before April 22, 1996.

Former Art. 2B, § 6–102(f), which stated that a substitute license may not be granted after May 1, 1996, is deleted as obsolete.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

12–903. CLASS B BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.

(C) 46TH ALCOHOLIC BEVERAGES DISTRICT.

(1) IN THIS SUBSECTION, “46TH ALCOHOLIC BEVERAGES DISTRICT” MEANS AN AREA THAT HAS THE SAME BOUNDARIES AS THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.

(2) IN ADDITION TO MEETING ALL OTHER REQUIREMENTS OF THIS SECTION, A RESTAURANT FOR WHICH THE LICENSE IS ISSUED IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT SHALL HAVE:

(I) CAPITAL INVESTMENT OF AT LEAST \$500,000 FOR RESTAURANT FACILITIES, NOT INCLUDING THE COST OF:

1. THE LAND;

2. THE BUILDING; OR

3. IMPROVEMENTS OTHER THAN TO THE INTERIOR OF A BUILDING ON THE LICENSED PREMISES; AND

(II) EXCEPT AS PROVIDED IN § 12-1604(C) OF THIS TITLE:

1. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND

2. SEATING FOR 75 BUT NOT MORE THAN 150 INDIVIDUALS.

(D) 47TH ALCOHOLIC BEVERAGES DISTRICT.

(1) IN THIS SUBSECTION, “47TH ALCOHOLIC BEVERAGES DISTRICT” MEANS AN AREA WITH THE SAME BOUNDARIES AS THE 47TH ALCOHOLIC BEVERAGES DISTRICT AS THAT DISTRICT EXISTED BEFORE THE LEGISLATIVE DISTRICTING PLAN ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE ISSUED FOR USE BY A RESTAURANT IN THE 47TH ALCOHOLIC BEVERAGES DISTRICT MAY NOT INCLUDE AN OFF-SALE PRIVILEGE.

(3) A LICENSE ISSUED BEFORE JULY 1, 1991, WITH ON- AND OFF-SALE PRIVILEGES MAY CONTINUE TO BE RENEWED OR TRANSFERRED IN THE 47TH ALCOHOLIC BEVERAGES DISTRICT WITH BOTH PRIVILEGES.

(4) THE LICENSE MAY INCLUDE AN OFF-SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER PERMIT ISSUED IN ACCORDANCE WITH § 12-1102 OF THIS TITLE.

(E) FEES.

(1) THE ANNUAL LICENSE FEES ARE:

(I) \$1,320 FOR A LICENSED PREMISES WITH A SEATING CAPACITY OF NOT MORE THAN 200 INDIVIDUALS; AND

(II) \$1,800 FOR A LICENSED PREMISES WITH A SEATING CAPACITY OF MORE THAN 200 INDIVIDUALS.

(2) IN ADDITION, THE LICENSE HOLDER ANNUALLY SHALL PAY:

(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(a)(1) and (d)(1)(ii), (iii), and (v) through (vii) and (6).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the phrase “for on– or off–premises consumption” is substituted for the former phrase “for consumption on the premises or elsewhere, or as provided in this section” for brevity.

Also in subsection (b) of this section, the former phrase “at retail” is deleted as surplusage.

In subsection (c)(2)(i)3 of this section, the phrase “improvements other than to the interior of a building” is substituted for the former phrase “improvements that are not to the interior of a building” for clarity, by avoiding a double negative when coupled with the introductory phrase “not including the cost of”.

In subsection (c)(2)(ii)2 of this section, the former reference to seating “capacity” is deleted as surplusage.

Subsection (d)(1) of this section is revised as a definition of “47th Alcoholic Beverages District” for clarity.

Also in subsection (d)(1) of this section, the phrase “with the same boundaries as” is substituted for the former reference to “at all times shall be coterminous with” for clarity.

In subsection (d)(2) of this section, the former phrase “after July 1, 1991” is deleted as unnecessary.

Also in subsection (d)(2) of this section, the former reference to an off–sale “alcoholic beverages” privilege is deleted as surplusage.

Also in subsection (d)(2) of this section, the former prohibition against a change or alteration to include an off-sale privilege of a license issued “[b]efore July 1, 1991 with an on-sale alcoholic privilege only” is deleted as included in the general prohibition against a license including an off-sale privilege.

Former Art. 2B, § 6–201(d)(1)(i), which stated that former Art. 2B, § 6–201(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(d)(1)(iv), which stated that except for the 46th Alcoholic Beverages District, the Class B license shall be issued in accordance with the provisions of subsection (a) of this section, is deleted as surplusage.

Former Art. 2B, § 6–201(d)(1)(x), which authorized the Board to issue a Class B beer, wine, and liquor license for use in a restaurant under certain conditions, is deleted as obsolete. Under the introductory language to former Art. 2B, § 6–201(d)(1)(x), the Board was authorized to issue the license “[u]ntil July 1, 2005”. No substantive change is made by this deletion. In accordance with the general rule noted in Section 11 of this Act, a holder of a license, such as this Class B license, is considered for all purposes to be licensed for the duration of the term for which the license was issued and may renew that authorization in accordance with the appropriate renewal provisions of this article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“Off-sale” § 1–101

“On-sale” § 1–101

“Restaurant” §§ 1–101, 12–101

“Wine” § 1–101

12–904. CLASS B–BWL (H–M) LICENSE.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

(1) A RESTAURANT NOT LOCATED IN A HOTEL OR MOTEL; OR

(2) A CATERING ESTABLISHMENT.

(B) ESTABLISHED.

THERE IS A CLASS B–BWL (H–M) LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL OR MOTEL THAT HAS:

(1) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING;

(2) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC;
AND

(3) A CAPITAL INVESTMENT OF NOT LESS THAN \$500,000.

(D) FEES.

(1) THE ANNUAL LICENSE FEE IS \$6,500.

(2) IN ADDITION, THE LICENSE HOLDER ANNUALLY SHALL PAY:

(I) \$1,000, IF THE LICENSED PREMISES HAS FEWER THAN 100 ROOMS;

(II) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

(III) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(d)(2), (5), and (6).

In the introductory language of subsection (c) of this section, the reference to “the Board” is added for clarity.

Also in the introductory language of subsection (c) of this section, the former references to “the minimum criteria of subparagraph (iv) of this paragraph” and “[t]he minimum criteria for the issuance of a Class B–BWL (H–M) license are as follows” are deleted as surplusage.

In subsection (c)(1) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

In subsection (d)(2)(iii) of this section, the former reference to “cafe” service is deleted as included in the reference to “outdoor” service.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that whether the license authorizes the holder to sell alcoholic beverages for on-premises consumption, off-premises consumption, or on- and off-premises consumption is not stated in statutory law. In addition, the hours and days of sale for the license are not stated.

Defined terms: "Board" § 1-101

"Hotel" § 1-101

"Restaurant" §§ 1-101, 12-101

12-905. CLASS B-D-7 LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B-D-7 BEER, WINE, AND LIQUOR LICENSE.

(B) CONDITIONS FOR ISSUANCE.

(1) THE BOARD MAY ISSUE A CLASS B-D-7 LICENSE IF THE BOARD DETERMINES THAT THE LICENSE IS REASONABLY NECESSARY FOR THE CONVENIENCE OF THE PUBLIC.

(2) IN MAKING THE DETERMINATION, THE BOARD SHALL CONSIDER THE NUMBER OF BEER, WINE, AND LIQUOR OUTLETS IN A GIVEN AREA AND THE NUMBER OF DAYS THE OUTLETS ARE OPEN, RATHER THAN THE NATURE OF THE OUTLETS.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS SET OUT UNDER § 12-2004(C) OF THIS TITLE.

(E) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO DETERMINE THE MANNER OF OPERATION OF A LICENSED PREMISES.

(F) FEE.**THE ANNUAL LICENSE FEE IS \$1,320.**

REVISOR'S NOTE: Subsections (a) through (c), (e), and (f) of this section are new language derived without substantive change from former Art. 2B, § 8–203(d)(1), (2), (8), the second and third sentences of (5), the second sentence of (7), and, as it related to the scope of authorization, (3)(i).

Subsection (d) of this section is new language added for clarity.

Throughout this section, references to “Class B–D–7” have been added to distinguish between the Class B–D–7 license and other licenses that are referenced in the section.

In subsection (b)(1) of this section, the reference to “Class B–D–7 license” is substituted for the former reference to “additional beer, wine and liquor license” for clarity, because the Class B–D–7 license is the additional beer, wine, and liquor license the board may issue under the section.

In subsection (c) of this section, the reference to “[t]he license authorizes the license holder” is substituted for the former reference to “licensees may sell” to conform to the style used throughout this revised article.

Also in subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

In subsection (e) of this section, the reference to “a licensed premises” is substituted for the former reference to “an establishment that is operated under a Class B–D–7 beer, wine and liquor license” for brevity.

Former Art. 2B, § 8–203(a), which stated that former Art. 2B, § 8–203 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–203(b), which defined the term “Board”, is deleted as unnecessary in light of the defined term “Board” in § 12–101 of this title.

Former Art. 2B, § 8–203(d)(4), which specified that certain licenses could be exchanged for a Class B–D–7 license, is deleted as obsolete because the Baltimore City Board of Liquor License Commissioners no longer exchanges any licenses for a Class B–D–7 license.

The first sentence of former Art. 2B, § 8–203(d)(5), which provided that the Board prescribe the procedure for issuing certain Class B–D–7 licenses on June 1, 1967, is deleted as obsolete.

Former Art. 2B, § 8–203(d)(6), which stated that licenses issued under former Art. 2B, § 8–203 are subject to all the provisions of this article relating to licenses in Baltimore City to the extent that those provisions are not inconsistent with this section, is deleted as unnecessary in light of the organization of this revised article.

The first sentence of former Art. 2B, § 8–203(d)(7), which stated that all Class B–D–7 licenses shall be issued by the Board of Liquor License Commissioners upon certification of the Board, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 8–203(d)(9), which required a holder of an expiring Class B–D–7 beer, wine, and liquor license to file a certain declaration of intent on or before April 22, 1996, is deleted as obsolete.

Defined term: “Board” § 12–101

12–906. CLASS C BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$550.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(d) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (b) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on–premises consumption”.

Also in subsection (b) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

12–907. CLASS D BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.

(C) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$825.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(d) and (a)(1).

Subsection (a) of this section is revised to explicitly establish the Class D beer, wine, and liquor license and conform with standard language used throughout this article to establish a license.

In subsection (d) of this section, the former reference to “[i]n Baltimore City,” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (d) of this section, the former phrase “[s]ubject to § 11–503(b)(2) of this article” is deleted as unnecessary. The former phrase referred to the Sunday permit, which is revised in § 12–908 of this subtitle.

Former Art. 2B, § 6–401(d)(2), which stated that “[i]n Baltimore City, the hours and days for sale for the license are as provided under [former Art. 2B] § 11–503”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101
“Wine” § 1–101

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 6–201(d)(1)(xi), which allowed a not–for–profit arts center in the Highlandtown arts and entertainment district to apply to the Board to convert its Class C license to a Class B beer, wine, and liquor license, is deleted as obsolete. The conversion has already occurred.

SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

12–1001. ARENA LICENSE.

(A) “ARENA” DEFINED.

IN THIS SECTION, “ARENA” MEANS:

- (1) AN ATHLETIC FACILITY;
- (2) AN AUDITORIUM;
- (3) A BANQUET HALL;
- (4) A CATERING HALL;
- (5) A CONCERT FACILITY;
- (6) A THEATER; OR
- (7) A STADIUM.

(B) ESTABLISHED.

THERE IS AN ARENA LICENSE.

(C) AUTHORIZED HOLDER.

- (1) THE BOARD MAY ISSUE THE LICENSE ONLY TO:

(I) THE PERSON, FIRM, OR CORPORATION THAT OWNS OR LEASES THE ARENA; OR

(II) A CONCESSIONAIRE DESIGNATED BY THE PERSON, FIRM, OR CORPORATION THAT OWNS OR LEASES THE ARENA.

(2) AT LEAST ONE OF THE INDIVIDUALS WHO APPLY FOR AND ARE ISSUED THE LICENSE ON BEHALF OF THE PERSON THAT OWNS OR LEASES THE ARENA IS REQUIRED TO BE A RESIDENT OF THE STATE.

(3) A CONCESSIONAIRE TO WHOM A LICENSE IS ISSUED NEED NOT BE A RESIDENT OF THE STATE.

(D) SCOPE OF AUTHORIZATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER IS AUTHORIZED TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE WITHIN THE ARENA, FROM ONE OR MORE OUTLETS, FOR ON-PREMISES CONSUMPTION.

(2) (I) THE LICENSE MAY NOT BE ISSUED IN THE SECOND OR THIRD WARD AFTER OCTOBER 1, 1994.

(II) A LICENSE ISSUED BEFORE OCTOBER 1, 1994, IS VALID AND MAY BE TREATED LIKE ANY OTHER LICENSE.

(E) ARENA REQUIREMENTS.

THE ARENA SHALL HAVE:

(1) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING ANY REAL PROPERTY, OF \$1,000,000; AND

(2) A MINIMUM CAPACITY OF 1,000 PEOPLE, AS DETERMINED BY THE CITY FIRE DEPARTMENT.

(F) FEE.

(1) THE ANNUAL LICENSE FEE IS \$12,000.

(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL PAY ANNUALLY:

(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE OR CAFE SERVICE.

(G) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS CONCERNING THE MANNER OF DISPENSING ALCOHOLIC BEVERAGES, THE NUMBER OF OUTLETS AUTHORIZED TO DISPENSE ALCOHOLIC BEVERAGES, AND THE HOURS AND DAYS OF SALE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(d)(3)(i)1 and 2, (ii) through (vi), and (viii) and, as it related to an arena license, (6).

Former Art. 2B, § 6–201(d)(3)(i)3, which defined the term “Board” to mean the Board of License Commissioners, is deleted in light of the defined term “Board” in § 9–101 of this title.

Former Art. 2B, § 6–201(d)(3)(i)4, which defined “person” to mean a natural person, an association, a firm, a partnership, a corporation, or the Mayor and City Council of Baltimore, is deleted in light of the defined term “person” in § 1–101 of this article.

Former Art. 2B, § 6–201(d)(3)(vii), which stated that “[t]he licensee is subject to all of the provisions of this article and to the regulations of the Board of License Commissioners”, is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirement in subsection (c)(2) of this section may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994). Additionally, the requirement contradicts the requirement in § 4–103(b) of this article, which states that all partners of a partnership must be residents of the city or county in which the place of business is located.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“City” § 12–101

“License holder” § 1–101

“Person” § 1–101

“Wine” § 1–101

12–1002. MUNICIPAL GOLF COURSE LICENSE.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO A MUNICIPAL GOLF COURSE THAT IS:

(1) ON LAND THAT IS OWNED BY THE CITY; AND

(2) OPERATED BY A CITY GOLF COURSE MANAGER OR A GOLF COURSE MANAGER UNDER A MANAGEMENT AGREEMENT WITH THE CITY.

(B) ESTABLISHED.

THERE IS A CLASS M–G BEER, WINE, AND LIQUOR LICENSE FOR USE AT A MUNICIPAL GOLF COURSE.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A MANAGER OF A MUNICIPAL GOLF COURSE.

(D) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION ON THE LAND AND IN THE FACILITIES USED FOR GOLFING PURPOSES.

(E) AGENT.

(1) THE LICENSE HOLDER MAY DESIGNATE AN AGENT TO SELL BEER, WINE, AND LIQUOR AT THE MUNICIPAL GOLF COURSE.

(2) THE AGENT SHALL BE CONSIDERED THE VENDOR FOR PURPOSES OF COLLECTING AND REMITTING THE SALES AND USE TAX.

(F) TRANSFER.

ON REQUEST OF THE CITY AND SUBJECT TO § 12–1703 OF THIS TITLE, THE BOARD MAY TRANSFER THE LICENSE TO A DIFFERENT GOLF COURSE MANAGER.

(G) FEE.

THE ANNUAL LICENSE FEE IS \$600.

(H) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–508.

Subsection (b) of this section is revised in standard language used throughout this title to establish a license.

In subsection (e)(1) of this section, the reference to a “municipal” golf course is added to conform to the terminology used throughout this section.

The Alcoholic Beverage Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101
“Board” § 12–101
“City” § 12–101
“Wine” § 1–101

12–1003. RACETRACK LICENSE.

(A) ESTABLISHED.

THERE IS A RACETRACK LICENSE.

(B) AUTHORIZED HOLDER.

(1) THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A REGULARLY LICENSED RACING ESTABLISHMENT OR THE CONCESSIONAIRE OR CATERING ORGANIZATION AT THE ESTABLISHMENT.

(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR A LICENSE APPLICANT.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR AT ONE OR MORE LOCATIONS IN THE CONFINES OF THE RACING PARK.

(D) FEES.

(1) THE LICENSE FEE IS \$55 FOR EACH DAY THAT THE RACING PARK IS OPEN AND OPERATING.

(2) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSE HOLDER SHALL PAY ANNUALLY:

(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; OR

(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE OR CAFE SERVICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(d)(4)(i) through (iii) and, as it related to a racetrack license, (6).

In subsection (b)(1) of this section, the reference to the owner “or owners” of a regularly licensed racing establishment is deleted as unnecessary because under § 1-202 of the General Provisions Article, the singular always includes the plural, except where such construction would be unreasonable.

Also in subsection (b)(1) of this section, the former reference to an owner or concessionaire “whether an individual, association or corporation” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to “locative” qualifications is deleted as redundant of the reference to “residential”.

In subsection (d)(1) of this section, the reference to each day “that the racing park is open and operating” is added for clarity and to conform to current practice.

In subsection (d)(2) of this section, the former reference to a license holder “issued a license under this subsection” is deleted as unnecessary.

Former Art. 2B, § 6-201(d)(4)(iv), which stated that the licenses and license holders “are subject to all laws and regulations applicable in Baltimore City to the sale of alcoholic beverages that are not inconsistent with the provisions of subsection”, is deleted as an unnecessary statement of law.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory form.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“Wine” § 1–101

12–1004. VIDEO LOTTERY CONCESSIONAIRE LICENSE.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CONCESSIONAIRE” MEANS A LESSEE, A SUBLESSEE, OR ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:

(I) ENGAGES IN THE SALE OF BEER, WINE, AND LIQUOR BY THE DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN A VIDEO LOTTERY FACILITY; AND

(II) IS OPERATED AS A CONCESSION INDEPENDENT OF A HOLDER OF A CLASS BWL–VLF LICENSE.

(3) “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(B) ESTABLISHED.

THERE IS A CLASS BWL–VLC (VIDEO LOTTERY CONCESSIONAIRE) BEER, WINE, AND LIQUOR LICENSE.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE A CLASS BWL–VLC LICENSE TO ONE OR MORE CONCESSIONAIRES OPERATING IN A VIDEO LOTTERY FACILITY.

(D) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES:

(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION:

1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR

2. ON GROUNDS CONTROLLED BY THE CLASS BWL–VLF LICENSE HOLDER, AS DEFINED IN THE CLASS BWL–VLF LICENSE;

(II) THE PLAYING OF MUSIC AND DANCING; AND

(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE CLASS BWL–VLF LICENSE HOLDER DURING THOSE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.

(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE CLASS BWL–VLC LICENSE MAY BE TAKEN ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE CLASS BWL–VLF LICENSE HOLDER, AS DEFINED IN THE CLASS BWL–VLF LICENSE.

(E) FEE.

(1) THE ANNUAL LICENSE FEE IS \$5,000.

(2) THE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.

(F) PENALTY.

A PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A HOLDER OF A CLASS BWL–VLC LICENSE SHALL APPLY TO THE CONCESSIONAIRE THAT THE BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(d–1)(1), (3), (4)(ii) and (iii), (8), and, as they related to this section, (5)(ii) and (6).

In subsection (e)(2) of this section, the reference to on “or before” May 1 is added for clarity.

The part of former Art. 2B, § 6–201(d–1)(5)(i) that stated that an off–sale privilege is not conferred by a Class BWL–VLC license is deleted as surplusage.

Former Art. 2B, § 6–201(d–1)(7), which stated that “Class BWL–VLF and Class BWL–VLC licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this subsection”, is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“Wine” § 1–101

12–1005. VIDEO LOTTERY FACILITY LICENSE.

(A) “VIDEO LOTTERY FACILITY” DEFINED.

IN THIS SECTION, “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(B) ESTABLISHED.

THERE IS A CLASS BWL–VLF (VIDEO LOTTERY FACILITY) BEER, WINE, AND LIQUOR LICENSE.

(C) AUTHORIZED HOLDER.

(1) THE BOARD MAY ISSUE A CLASS BWL–VLF LICENSE TO AN INDIVIDUAL OR ENTITY THAT:

(I) OWNS A VIDEO LOTTERY FACILITY THAT CONTAINS AT LEAST ONE FOOD SERVICE FACILITY, BAR, OR LOUNGE; AND

(II) HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(2) AN APPLICANT FOR A CLASS BWL–VLF LICENSE NEED NOT MEET ANY VOTING OR RESIDENCY REQUIREMENT.

(D) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES:

(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY FACILITY FOR CONSUMPTION:

1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR

2. ON GROUNDS CONTROLLED BY THE LICENSE HOLDER, AS DEFINED IN THE LICENSE;

(II) THE PLAYING OF MUSIC AND DANCING; AND

(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE LICENSE HOLDER DURING THOSE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.

(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY BE TAKEN ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE LICENSE HOLDER, AS DEFINED IN THE CLASS BWL–VLF LICENSE.

(E) FEE.

(1) THE ANNUAL LICENSE FEE IS \$15,000.

(2) THE ANNUAL LICENSE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(d–1)(2) and (1)(i) and (iii) and (4)(i) and (iii) and, as they related to Class BWL–VLF licenses, (5)(ii) and (6).

In subsection (c)(2) of this section, the former reference to any “location” requirement is deleted as redundant.

In subsection (e)(2) of this section, the reference to on “or before” May 1 is added for clarity.

The part of former Art. 2B, § 6–201(d–1)(5)(i) that stated that an off-sale privilege is not conferred by a Class BWL–VLF license is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“Wine” § 1–101

12–1006. ZOO LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS BWL–MZ LICENSE FOR USE AT A ZOO IN DRUID HILL PARK.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ONLY ON THE LAND AND IN THE FACILITIES USED BY THE ZOO.

(2) ON APPROVAL BY THE BOARD, BEER, WINE, AND LIQUOR MAY BE SOLD AT THE ZOO IN MULTIPLE LOCATIONS.

(C) AGENT OF LICENSE HOLDER.

(1) THE LICENSE HOLDER MAY DESIGNATE AN AGENT TO SELL BEER, WINE, AND LIQUOR AT THE ZOO.

(2) THE AGENT SHALL BE CONSIDERED THE VENDOR FOR COLLECTING AND REMITTING THE SALES AND USE TAX.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM NOON TO 11 P.M.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–204.1(h)(1) and (2) and (4) through (7).

In subsection (a) of this section, the reference “[t]here is a Class BWL–MZ license” is substituted for the former reference “[t]he Board may issue a special Class BWL–MZ license” to conform to the terminology used throughout this article.

Former Art. 2B, § 9–204.1(h)(3), which required an applicant with a license previously issued by the Board to exchange that license for a Class BWL–MZ license, is deleted as obsolete.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“License” § 1–101

“Wine” § 1–101

SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.

12–1101. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

(B) EXCEPTION.

SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.

(C) VARIATION.

SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12-1102 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“City” § 12-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

12-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.

(A) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF ANY CLASS OF LICENSE EXCEPT A CLASS C LICENSE OR A CLASS M-G LICENSE.

(B) APPLICATION FORM.

AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.

(C) HOURS OF SALE.

THE HOURS OF SALE FOR THE PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

(2) END AT MIDNIGHT.

(D) CALCULATION OF AVERAGE DAILY RECEIPTS.

RECEIPTS COLLECTED UNDER THE PERMIT ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER § 12-104 OF THIS TITLE.

(E) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(F) FEES.

THE ANNUAL PERMIT FEES ARE:

(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND

(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-203(e)(2), (7), (8), (10), and (5)(i).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

Also in subsection (a) of this section, the former reference to any class of license "issued by the Board" is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the "underlying license" is substituted for the former reference to the "license already held by the person to whom the refillable container permit is issued" for brevity.

Former Art. 2B, § 8–203(e)(1), (3), (4), (5)(ii), (6), and (9) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4–1104 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

“Off-sale” § 1–101

12–1103. SPECIAL AMUSEMENT PERMIT.

(A) ESTABLISHED.

THERE IS A SPECIAL AMUSEMENT PERMIT.

(B) AUTHORIZED HOLDER.

THE BOARD MAY GRANT THE PERMIT TO A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE WHO REGULARLY SPECIALIZES IN THE ENTERTAINMENT OF CUSTOMERS BY PROVIDING APPROVED TYPES OF AMUSEMENT, SUCH AS:

- (1) SINGING;**
- (2) DANCING;**
- (3) MUSIC THAT IS OTHER THAN RECORDED MUSIC OR RADIO PROGRAMS;**
- (4) FLOOR SHOWS;**
- (5) ACROBATIC ACTS;**
- (6) THEATRICALS; AND**
- (7) MOVIES.**

(C) HOURS OF SALE.

THE PERMIT HOLDER MAY SELL BEER, WINE, AND LIQUOR AT THE HOURS THAT THE BOARD SPECIFIES.

(D) PERMIT GRANTED ONLY FOR RESTAURANTS.

THE BOARD MAY NOT ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR AN ESTABLISHMENT THAT PROVIDES ENTERTAINMENT UNDER SUBSECTION (B) OF THIS SECTION UNLESS THE BOARD FINDS THAT THE ESTABLISHMENT IS A RESTAURANT.

(E) FEE.

IN ADDITION TO THE ANNUAL FEE FOR A CLASS D BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL PERMIT FEE IS \$750.

(F) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS FOR ISSUING THE PERMIT TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–203(c)(3), (6), (1)(i) through (iii), and the first sentence of (2).

Throughout this section, the references to a “permit” are substituted for the former references to a “license” to conform to the rule followed in this article that a permit is a secondary type of authorization that may be granted to a person who already has a license.

In subsection (b) of this section, the reference to “customers” is substituted for the former reference to “patrons” to conform to the terminology used throughout this article.

In subsection (c) of this section, the reference to the hours “that the Board specifies” is substituted for the former reference to hours “provided” for clarity.

Also in subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Former Art. 2B, § 8–203(c)(1)(iv), which provided an exemption for amusement licenses from former Art. 2B, § 12–302, is deleted as obsolete. Former Art. 2B, § 12–302(b)(2)(iii), now revised as § 12–1904(2)(ii) of this title, prohibits a license holder from employing or allowing a person under the age of 18 years to provide entertainment on the licensed premises, was enacted after former Art. 2B, § 8–203(c)(1)(iv) and thus supersedes it.

Former Art. 2B, § 8–203(c)(1)(v), which stated that a person under the age of 18 years may not be employed in establishments to sell alcoholic beverages, is deleted as redundant of § 12–903 of this title.

The second sentence of former Art. 2B, § 8–203(c)(2), which required the Board to determine if a license that is applied for is reasonably necessary for the convenience of the public, is deleted as redundant of § 4–210(a)(1) and (b)(1)(i) of this article.

Former Art. 2B, § 8–203(c)(4), which stated that licenses issued are subject to all of the provisions of this article related to licenses in Baltimore City to the extent that the provisions are not inconsistent with this section, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 8–203(c)(5), which stated that all licenses shall be issued by the Clerk of the Circuit Court for Baltimore City on certification by the Board, is deleted as obsolete. The Clerk no longer issues licenses.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“License” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

12–1104. BELVEDERE SQUARE — AREAS FOR CONSUMPTION OF ALCOHOLIC BEVERAGES.

IN THE PLANNED UNIT DEVELOPMENT FOR BELVEDERE SQUARE AS APPROVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 84–187, ALCOHOLIC BEVERAGES PURCHASED FROM A LICENSED ESTABLISHMENT LOCATED AT 511 THROUGH 529 EAST BELVEDERE AVENUE MAY BE CONSUMED:

(1) WITHIN ANY INDOOR OR OUTDOOR SEATING AREA LOCATED AT 511 THROUGH 529 EAST BELVEDERE AVENUE; AND

(2) WHILE CROSSING FROM THE SOUTH SIDE OF EAST BELVEDERE AVENUE TO THE NORTH SIDE OF EAST BELVEDERE AVENUE DURING A PERMITTED SPECIAL EVENT THAT RESULTS IN THE CLOSURE OF EAST BELVEDERE AVENUE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–204.1(i)(2).

In the introductory language of this section, the former reference to Ordinance 84–187 “, as amended” is deleted as unnecessary in light of GP § 1–209.

Defined term: “Alcoholic beverage” § 1–101

SUBTITLE 12. CATERER’S LICENSES.

12-1201. OFF-SALE CATERER PRIVILEGE.**(A) ESTABLISHED.**

THERE IS AN OFF-SALE CATERER PRIVILEGE.

(B) AUTHORIZED HOLDER.

(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY GRANT THE PRIVILEGE TO A HOLDER OF AN ON-SALE:

(I) BEER AND WINE LICENSE OF ANY CLASS; OR

(II) BEER, WINE, AND LIQUOR LICENSE OF ANY CLASS.

(2) THE PRIVILEGE IS NOT A SEPARATE CLASS OF LICENSE BUT IS INCORPORATED IN THE HOLDER'S BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE.

(3) BEFORE THE BOARD GRANTS OR RENEWS THE PRIVILEGE, AN APPLICANT OR A HOLDER OF THE PRIVILEGE SHALL:

(I) HAVE THE FACILITIES TO PREPARE AND DELIVER FOOD TO THE SITE OF A CATERED EVENT; AND

(II) OBTAIN A CATERER'S LICENSE FROM THE CITY HEALTH DEPARTMENT AFTER THE DEPARTMENT APPROVES THE FACILITIES.

(C) SCOPE OF AUTHORIZATION.

THE PRIVILEGE AUTHORIZES A HOLDER TO:

(1) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE CATERED EVENT HELD OFF THE PREMISES OF THE HOLDER TO PROVIDE FOOD AND ALCOHOLIC BEVERAGES FOR CONSUMPTION AT THE EVENT; AND

(2) EXERCISE THE PRIVILEGE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S LICENSE.

(D) RENEWAL.

THE PRIVILEGE MAY BE RENEWED.

(E) FEE.

THE ANNUAL FEE FOR THE PRIVILEGE IS \$500 IN ADDITION TO THE ANNUAL FEE FOR THE LICENSE TO WHICH THE PRIVILEGE IS INCORPORATED.

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a special off-sale caterer privilege exists in Baltimore City.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 6–701.1(b) through (i).

Subsection (b)(1) of this section is revised as a statement specifying the eligible recipients of a special caterer privilege, rather than as part of the former definition of “caterer”, for clarity and to conform to the format used in licensing provisions throughout this article.

In subsection (b)(1) of this section, the references to a license of “any class” are added for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the sole purpose of authorizing a licensee to be a caterer” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to a “beer and wine license” is added for clarity and consistency.

Also in subsection (b)(2) of this section, the former clause “if it is granted” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to the “existing” license is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the “premises of the holder” is substituted for the former reference to the “licensed premises” for clarity.

In subsection (c)(2) of this section, the reference to the hours and days “authorized for the holder’s” license is substituted for the former reference to the hours and days “that are permitted under this article for the existing” license for brevity.

In subsection (e) of this section, the reference to the “license to which the privilege is incorporated” is substituted for the former reference to the “existing beer and wine or beer, wine and liquor license” for brevity.

Former Art. 2B, § 6–701.1(a), which stated that former Art. 2B, § 6–701.1 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“City” § 12–101

“License” § 1–101

“Off-sale” § 1–101

“On-sale” § 1–101

“Wine” § 1–101

SUBTITLE 13. TEMPORARY LICENSES.

PART I. IN GENERAL.

12–1301. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–1202 (“PER DIEM LICENSES”);

(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);

(3) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);

(4) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

(5) § 4–1208 (“HOURS AND DAYS OF SALE”); AND

(6) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).

(B) EXCEPTION.

SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12–1311 OF THIS SUBTITLE.

(C) VARIATION.

SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12-1312 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “City” § 12-101

12-1302. RESERVED.

12-1303. RESERVED.

PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

12-1304. BEER FESTIVAL LICENSE.

(A) ESTABLISHED.

(1) THERE IS A BEER FESTIVAL LICENSE.

(2) THE BOARD MAY DESIGNATE NOT MORE THAN TWO TIMES EACH CALENDAR YEAR FOR WHICH A BEER FESTIVAL LICENSE MAY BE ISSUED.

(B) AUTHORIZED HOLDER.

(1) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 5 BREWERY LICENSE, CLASS 6 PUB-BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE.

(2) EACH MANUFACTURER THAT PARTICIPATES IN THE BEER FESTIVAL SHALL OBTAIN A BEER FESTIVAL LICENSE.

(C) SCOPE OF AUTHORIZATION.

(1) IF THE BEER FESTIVAL IS HELD ON A CLASS B LICENSED PREMISES, THE PRODUCTS DISPLAYED AND SOLD SHALL BE:

(I) OWNED, PRODUCED, AND PROVIDED BY THE BEER FESTIVAL LICENSE HOLDER; OR

(II) PROVIDED BY THE HOLDER OF THE CLASS B LICENSE.

(2) IF THE BEER FESTIVAL IS HELD ON A LOCATION THAT IS NOT ALREADY LICENSED, THE PRODUCTS DISPLAYED AND SOLD SHALL BE:

(I) OWNED, PRODUCED, AND PROVIDED BY THE BEER FESTIVAL LICENSE HOLDER; OR

(II) DIRECTLY OBTAINED FROM A LICENSED WHOLESALER.

(D) TIME AND LOCATION OF FESTIVAL.

EACH FESTIVAL SHALL BE HELD:

(1) ON PREMISES FOR WHICH A CLASS B LICENSE HAS BEEN ISSUED;
OR

(2) AT A LOCATION THAT IS NOT ALREADY LICENSED.

(E) TIME AND CONDITIONS OF DISPLAY AND SALE.

THE LICENSE HOLDER SHALL DISPLAY AND SELL BEER:

(1) AT RETAIL FOR ON-PREMISES CONSUMPTION; AND

(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.

(F) DURATION OF LICENSE.

THE LICENSE FOR EACH FESTIVAL MAY BE IN EFFECT FOR A PERIOD OF NOT MORE THAN 3 DAYS.

(G) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(H) FEE.

THE LICENSE FEE IS \$50 PER DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–801(c) through (j).

Throughout this section, the former references to a “special” festival license are deleted as surplusage.

Subsection (a)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the reference to a “beer festival license” is substituted for the former reference to a “special festival license for participation in a beer festival” for brevity.

In subsection (b)(1) of this section, the former reference to an “existing” license “issued under this article” is deleted as surplusage.

Also in subsection (b)(1) of this section, the former phrase “[n]otwithstanding any other provisions of this article,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the references to “beer” are substituted for the former references to “products” for clarity.

In the introductory language of subsection (c)(1) and (2) of this section, the former reference to the products displayed and sold “by a special festival licensee” is deleted as surplusage.

In the introductory language of subsection (c)(1) of this section, the reference to the “beer festival” is substituted for the former reference to the “event” for clarity and consistency within this section.

In subsections (c)(1)(ii) and (c)(2)(ii) of this section, the former references to products “not owned and produced by the licensee” are deleted as surplusage.

In subsection (c)(1)(ii) of this section, the reference to the “holder of the Class B license” is substituted for the former reference to the “retail licensee” for clarity.

In the introductory language of subsection (c)(2) and subsection (d)(2) of this section, the references to a “location that is not already licensed” are substituted for the former references to “nonlicensed premises” for consistency with terminology used throughout this article.

In the introductory language of subsection (d) of this section, the former reference to a “locat[ion] in Baltimore City” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder ... from holding” another license for clarity.

Former Art. 2B, § 8–801(a), which defined “Board” to mean the Board of License Commissioners of Baltimore City, is deleted as redundant in light of the defined term “Board” in § 12–101 of this title.

Former Art. 2B, § 8–801(b), which stated that former Art. 2B, § 8–801 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–801(k), which authorized the Board to adopt regulations to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 12–210 of this article.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Wholesaler” § 1–101

12–1305. WINE FESTIVAL LICENSE.

(A) ESTABLISHED.

(1) THERE IS A BALTIMORE WINE FESTIVAL (WF) LICENSE.

(2) THE BOARD MAY ISSUE NOT MORE THAN FOUR LICENSES EACH YEAR.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE.

(D) TIME AND CONDITIONS OF DISPLAY AND SALE.

THE LICENSE HOLDER SHALL DISPLAY AND SELL WINE:

(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

(2) DURING THE HOURS AND DAYS DESIGNATED FOR A WINE FESTIVAL.

(E) TIME AND LOCATION OF FESTIVAL.

THE BOARD:

(1) MAY SELECT FOUR 4-DAY PERIODS ANNUALLY FOR THE WINE FESTIVAL;

(2) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION, SHALL CHOOSE A LOCATION FOR A FESTIVAL FOR WHICH A LICENSE HAS NOT BEEN ISSUED; AND

(3) MAY NOT ISSUE A LICENSE FOR USE IN ELECTION DISTRICT 46, EXCEPT FOR THE 1ST PRECINCT OF THE 22ND WARD.

(F) ADDITIONAL LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) FEE.

THE LICENSE FEE IS \$50 PER DAY.

(H) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–303.

Throughout this section, the former references to a “special” festival license are deleted as surplusage.

Subsection (a)(1) of this section is standard language added to establish a license.

In subsection (a)(2) of this section, the reference to a limit of four licenses “each year” is added for clarity.

In subsection (b) of this section, the reference to a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of law,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(2) and (e)(2) of this section, the former references to a festival or location “in Baltimore City” are deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]he provisions of this section may not prohibit the licensee from holding” another license for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (e)(3) of this section, the reference to “election district 46, except for the 1st precinct of the 22nd ward” may no longer describe the same area as intended when enacted because election districts are redrawn every 10 years.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

12–1306. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.

(A) ESTABLISHED.

THERE IS A WINE SAMPLING (WS) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE TRANSPORTATION AND CONSUMPTION OF WINE FOR SAMPLING:

(1) ON PREMISES FOR WHICH A CLASS B OR CLASS B–D–7 LICENSE HAS BEEN ISSUED, WITH THE AUTHORIZATION OF THE HOLDER OF THE LICENSE FOR THE PREMISES; OR

(2) AT A LOCATION THAT IS NOT ALREADY LICENSED.

(D) LICENSE APPLICATION.

THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15 DAYS BEFORE THE LICENSE IS ISSUED.

(E) LIMIT ON NUMBER OF LICENSES.

THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.

(F) LIMIT ON SERVINGS.

A LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES OF WINE FROM AN OFFERING TO AN INDIVIDUAL.

(G) FEE.

THE LICENSE FEE IS \$15 PER DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–403.

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsections (b) and (e) of this section, the former references to a “bona fide” nonprofit organization are deleted as surplusage.

In subsection (c)(1) of this section, the reference to the “holder of the license for the premises” is substituted for the former reference to the “respective holder” to clarify which license holder may give the authorization.

In subsection (c)(2) of this section, the reference to a “location that is not already licensed” is substituted for the former reference to a “premises that is not permanently licensed under this article” for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to “an offering” is substituted for the former reference to “a given brand” for clarity.

Also in subsection (f) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any one person” for clarity.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

12–1307. BEER AND WINE TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A 1–DAY CLASS BWT BEER AND WINE TASTING LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW ON–PREMISES CONSUMPTION OF BEER AND LIGHT WINE FOR TASTING.

(D) LIMIT ON NUMBER OF LICENSES.

THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES PER YEAR TO EACH LICENSE HOLDER.

(E) HOURS AND DAYS OF OPERATION.

A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE ONLY DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER’S CLASS A LICENSE.

(F) LIMIT ON SERVINGS.

A LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:

(1) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM AN OFFERING; AND

(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES FROM AN OFFERING.

(G) DISPOSAL OF REMAINING BEER OR WINE.

AT THE END OF THE DAY FOR WHICH A LICENSE IS VALID, THE LICENSE HOLDER SHALL DISPOSE OF ANY BEER OR WINE THAT REMAINS IN A CONTAINER OPENED FOR TASTING.

(H) FEE.

(1) THE BOARD SHALL SET THE LICENSE FEE.

(2) THE LICENSE FEE IS IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–403.1(a) through (f) and (h).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsections (c) and (h) of this section, the former references to “sampling” are deleted as redundant of the references to “tasting”.

In subsection (e) of this section, the reference to the “license holder’s” Class A license is substituted for the former reference to the “respective” Class A license for clarity.

In the introductory language of subsection (f) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any one person” for clarity.

In subsection (f) of this section, the references to “an offering” are substituted for the former references to “a given brand” for clarity.

In subsection (h) of this section, the reference to “any beer and wine that remains” in a container is substituted for the former reference to “unconsumed alcoholic beverages remaining” for clarity.

Former Art. 2B, § 8–403.1(g), which stated that this section is not restricted by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light of § 1–202 of this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the limit on the number of licenses that the Board may issue under former Art. 2B, § 8–403.1(b) was ambiguous as to whether it applied to the total number of Class BWT licenses that the Board may issue each year or the number of Class BWT licenses that the Board may issue to each license holder. Subsection (d) of this section has been revised to clarify that the limit applies to the number of licenses that may be issued to each

license holder, and the Alcoholic Beverages Article Review Committee calls this addition to the attention of the General Assembly.

Defined terms: “Beer” § 1–101
“Board” § 12–101
“License” § 1–101
“License holder” § 1–101
“Wine” § 1–101

12–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES IN:

(1) WARD 27, PRECINCTS 42 AND 44 OF THE 41ST LEGISLATIVE DISTRICT OF THE CITY;

(2) WARD 27, PRECINCTS 41 AND 48 OF THE 43RD LEGISLATIVE DISTRICT OF THE CITY;

(3) WARD 11, PRECINCT 5 OF THE 44TH LEGISLATIVE DISTRICT OF THE CITY; AND

(4) THE 3000 BLOCK OF FREDERICK AVENUE IN WARD 20, PRECINCT 9 OF THE 44A LEGISLATIVE DISTRICT OF BALTIMORE CITY, BASED ON THE LEGISLATIVE DISTRICTING PLAN OF 2012.

(B) ESTABLISHED.

THERE IS A CLASS BWLT BEER, WINE, AND LIQUOR (ON PREMISES) TASTING LICENSE.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(D) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON–PREMISES CONSUMPTION OF BEER, LIGHT WINE, AND LIQUOR FOR TASTING.

(E) TYPES OF LICENSE.

THE LICENSE MAY BE ISSUED AS:

(1) A DAILY TASTING LICENSE, THAT MAY BE ISSUED NOT MORE THAN 12 TIMES TO A SINGLE LICENSE HOLDER IN A LICENSE YEAR;

(2) A 26–DAY OR 52–DAY TASTING LICENSE, EACH OF WHICH MAY BE USED CONSECUTIVELY OR NONCONSECUTIVELY; AND

(3) A TASTING LICENSE THAT MAY BE USED DAILY THROUGHOUT THE YEAR.

(F) LICENSE APPLICATION.

(1) AN APPLICANT SHALL APPLY FOR THE LICENSE ON A FORM THAT THE BOARD PROVIDES.

(2) THE FORM SHALL SPECIFY THE DATE OR DATES ON WHICH THE TASTING IS REQUESTED TO OCCUR.

(3) THE APPLICATION AND PAYMENT FOR THE DAILY LICENSE SHALL BE SUBMITTED AT LEAST 7 DAYS BEFORE THE TASTING EVENT.

(4) THE APPLICATION AND PAYMENT FOR THE 26–DAY TASTING LICENSE AND THE 52–DAY TASTING LICENSE SHALL BE MADE AT LEAST 7 DAYS BEFORE THE FIRST PROPOSED TASTING EVENT.

(5) THE HOLDER OF A 26–DAY TASTING LICENSE AND THE HOLDER OF A 52–DAY TASTING LICENSE SHALL NOTIFY THE BOARD, ON A FORM THAT THE BOARD APPROVES, OF ADDITIONAL TASTING EVENTS AUTHORIZED BY THE LICENSES.

(G) HOURS AND DAYS OF OPERATION.

THE LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER’S CLASS A LICENSE.

(H) LIMIT ON SERVINGS.

AN INDIVIDUAL MAY CONSUME BEER, LIGHT WINE, OR LIQUOR COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:

- (1) 1 OUNCE OF LIGHT WINE FROM AN OFFERING IN A DAY;
- (2) 3 OUNCES OF BEER FROM AN OFFERING IN A DAY; AND
- (3) ONE-HALF OUNCE OF LIQUOR FROM AN OFFERING IN A DAY.

(I) DISPOSAL OF REMAINING ALCOHOLIC BEVERAGES.

AT THE END OF EACH DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE HOLDER SHALL DISPOSE OF ANY ALCOHOLIC BEVERAGE THAT REMAINS IN A CONTAINER OPENED FOR TASTING.

(J) FEE.

IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE, THE LICENSE FEE IS:

- (1) \$20 FOR A DAILY TASTING LICENSE;
- (2) \$200 ANNUALLY FOR A 26-DAY TASTING LICENSE;
- (3) \$300 ANNUALLY FOR A 52-DAY TASTING LICENSE; AND
- (4) \$750 ANNUALLY FOR A TASTING LICENSE THAT MAY BE USED DAILY THROUGHOUT THE YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-403.2(a) through (f) and (h).

Subsection (b) of this section is revised in standard language used throughout this article to establish a license.

In subsections (d) and (j) of this section, the former references to "sampling" are deleted as redundant of the references to "tasting".

In subsection (e)(1) of this section, the reference to "a single license holder" is added for clarity.

In subsection (f)(1) of this section, the reference to the "applicant" is substituted for the former reference to "[e]ach Class A license holder that seeks issuance of a Class BWLT license for which the holder is eligible" for brevity.

In subsection (f)(2) of this section, the former reference to the forms "provided by the Board of Liquor License Commissioners for Baltimore City under

paragraph (1) of this subsection for licenses issued under subsection (c)(1)(i) through (iii) of this section” is deleted as surplusage.

In subsection (f)(3) of this section, the former reference to the requirement that the application be submitted “7 days in advance of the first day of consecutive day tasting events” is deleted as unnecessary in light of the reference to the requirement that the application be submitted “7 days before the tasting event”.

In the introductory language of subsection (h) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (h) of this section, the references to “an offering” are substituted for the former references to “a given brand” for clarity.

In subsection (i) of this section, the former reference to any “unconsumed” alcoholic beverage is deleted as redundant in light of the reference to any alcoholic beverage “that remains” in a container opened for tasting.

Former Art. 2B, § 8–403.2(g), which stated that this section is not restricted by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light of § 1–202 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

12–1309. RESERVED.

12–1310. RESERVED.

PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.

12–1311. FEES.

(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.

THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE LICENSE IS \$25 PER DAY.

(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

(1) THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$50 PER DAY.

(2) THE BOARD MAY COLLECT FROM THE LICENSE HOLDER REIMBURSEMENT FOR COSTS INCURRED WHILE MONITORING THE EVENT FOR WHICH THE LICENSE IS ISSUED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(3) and (d)(3)(ii).

Defined terms: “Board” § 12–101
“License holder” § 1–101

12–1312. PURCHASING OPTION FOR HOLDER OF CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY PURCHASE BEER AND LIGHT WINE FROM A WHOLESALER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(d)(3)(i).

Defined terms: “Beer” § 1–101
“Light wine” § 12–101
“Wholesaler” § 1–101
“Wine” § 1–101

SUBTITLE 14. APPLICATIONS FOR LICENSES.

12–1401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);

(2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);

(3) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);

- (4) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (5) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (6) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (7) § 4-112 (“DISPOSITION OF LICENSE FEES”);
- (8) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (9) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) EXCEPTION.

SECTION 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12-1405 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

- (1) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), SUBJECT TO § 12-1402 OF THIS SUBTITLE;**
- (2) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO § 12-1403 OF THIS SUBTITLE; AND**
- (3) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 12-1404 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined terms: “City” § 12-101

“License” § 1-101

“Local licensing board” § 1-101

12-1402. EXCEPTION TO VOTER REQUIREMENT.

AN AUTHORIZED PERSON OF A LIMITED LIABILITY COMPANY WHO HOLDS A LICENSE FOR THE USE OF THE LIMITED LIABILITY COMPANY THAT WAS GRANTED ON OR BEFORE JUNE 1, 2012, NEED NOT BE A REGISTERED VOTER IN THE CITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(c)(1)(ii).

Defined terms: “City” § 12–101
“License” § 1–101

12–1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.

THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(xiv)1A.

The reference to “criminal history record information” is substituted for the former reference to “criminal records” to conform to the terminology used in CP § 10–201.

Defined terms: “Board” § 12–101
“Central Repository” § 1–101
“License” § 1–101

12–1404. APPLICANT AS LESSEE OF CERTAIN PREMISES.

THE STATEMENT AND ACKNOWLEDGMENT REQUIRED UNDER § 4–109(B) OF THIS ARTICLE AUTHORIZING INSPECTION AND SEARCH WITHOUT WARRANT OF THE PREMISES IS NOT REQUIRED WHEN AN APPLICANT APPLIES FOR A LICENSE UNDER § 12–1603(C) OF THIS TITLE IF THE APPLICANT:

(1) FILES AN AFFIDAVIT THAT THE APPLICANT IS THE LESSEE OF THE PREMISES; AND

(2) PROVIDES A COPY OF THE EXECUTED LEASE WITH THE AFFIDAVIT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(17)(iii).

Defined term: “License” § 1–101

12–1405. PETITION OF SUPPORT.

THE APPLICATION SHALL INCLUDE A PETITION SIGNED BY AT LEAST THREE RESIDENTS WHO ARE OWNERS OF REAL PROPERTY AND REGISTERED VOTERS IN THE CITY STATING THAT:

(1) THE APPLICANT:

(I) IS PERSONALLY KNOWN TO THE SIGNERS OF THE PETITION;
AND

(II) HAS BEEN A RESIDENT OR TAXPAYER OF THE CITY FOR 2 YEARS AND A RESIDENT OF THE STATE FOR 2 YEARS PRECEDING THE PRESENTATION OF THE APPLICATION TO THE SIGNERS OF THE PETITION;

(2) IF THE APPLICANT IS A CORPORATION, AT LEAST ONE OF THE APPLICANTS:

(I) IS PERSONALLY KNOWN TO THE SIGNERS OF THE PETITION;

(II) HAS BEEN A RESIDENT OR TAXPAYER OF THE CITY FOR 2 YEARS AND A RESIDENT OF THE STATE FOR 2 YEARS PRECEDING THE PRESENTATION OF THE APPLICATION TO THE SIGNERS OF THE PETITION; AND

(III) IS A REGISTERED VOTER IN THE STATE; AND

(3) IF THE APPLICANT IS A PARTNERSHIP, ALL MEMBERS OF THE PARTNERSHIP HAVE BEEN RESIDENTS OR TAXPAYERS OF THE CITY FOR 2 YEARS AND RESIDENTS OF THE STATE FOR 2 YEARS PRECEDING THE PRESENTATION OF THE APPLICATION TO THE SIGNERS OF THE PETITION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(d)(1).

In this section, the references to the “signers of the petition” are substituted for the former references to “them” for clarity.

In the introductory language of this section, the reference to “residents” is substituted for the former reference to “citizens ... of the City” because the meaning of the word “citizens” in this context is unclear.

In item (2)(iii) of this section, the reference to a registered voter “in the State” is added for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements in item (3) of this section that

all members of a partnership be residents or taxpayers of the City for 2 years and residents of the State for 2 years preceding the presentation of the application to the signers of the petition may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994)

Defined terms: “City” § 12–101

“State” § 1–101

12–1406. CONDITIONS OF ISSUANCE OR RENEWAL.

(A) “COMMUNITY ASSOCIATION” DEFINED.

IN THIS SECTION, “COMMUNITY ASSOCIATION” MEANS:

(1) A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT IS:

(I) COMPOSED OF RESIDENTS OF A COMMUNITY WITHIN WHICH A NUISANCE IS LOCATED;

(II) OPERATED EXCLUSIVELY FOR THE PROMOTION OF SOCIAL WELFARE AND GENERAL NEIGHBORHOOD IMPROVEMENT AND ENHANCEMENT; AND

(III) EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE; OR

(2) A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT IS:

(I) COMPOSED OF RESIDENTS OF A CONTIGUOUS COMMUNITY THAT IS DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES, WITHIN WHICH A NUISANCE IS LOCATED;

(II) OPERATED FOR THE PROMOTION OF THE WELFARE, IMPROVEMENT, AND ENHANCEMENT OF THAT COMMUNITY; AND

(III) IN GOOD STANDING WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(B) IN GENERAL.

IF A COMMUNITY ASSOCIATION AND AN APPLICANT FOR THE ISSUANCE OR RENEWAL OF A CLASS B OR D ALCOHOLIC BEVERAGES LICENSE HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING THAT EXPRESSLY ACKNOWLEDGES THE AUTHORITY OF THE BOARD UNDER THIS ARTICLE, THE BOARD MAY MAKE THE ISSUANCE OR RENEWAL OF THE LICENSE CONDITIONAL ON THE SUBSTANTIAL COMPLIANCE OF THE APPLICANT WITH THE MEMORANDUM OF UNDERSTANDING.

(C) MEMORANDUM OF UNDERSTANDING.

THE EXISTENCE OF A MEMORANDUM OF UNDERSTANDING DOES NOT AFFECT ANY REQUIREMENT OF ANY INDIVIDUALS TO FILE A PROTEST UNDER § 4-406 OF THIS ARTICLE OR A COMPLAINT UNDER § 4-603 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(d)(2).

In subsection (b) of this section, the former reference to “[i]n Baltimore City” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the reference to “a complaint” is added for clarity.

Defined terms: “Board” § 12-101

“License” § 1-101

12-1407. APPLICATIONS EXAMINATION AND HEARING.

(A) DETERMINATION OF WHETHER APPLICATION IS COMPLETE.

(1) THE BOARD OR THE BOARD'S DESIGNEE SHALL EXAMINE EACH APPLICATION FOR THE ISSUANCE OR TRANSFER OF A LICENSE WITHIN 45 DAYS OF RECEIPT OF THE APPLICATION TO DETERMINE WHETHER THE APPLICATION IS COMPLETE.

(2) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR RENEWAL IS NOT COMPLETE UNLESS THE APPLICANT HAS:

(I) OBTAINED ZONING APPROVAL OR VERIFICATION OF ZONING IF THE APPLICATION IS FOR RENEWAL;

(II) SUBMITTED ALL DOCUMENTS REQUIRED IN THE APPLICATION; AND

(III) PAID ALL FINES AND FEES THAT ARE DUE.

(B) HEARING TO BE SCHEDULED AFTER APPLICATION IS COMPLETE.

(1) A LICENSE HEARING MAY NOT BE SCHEDULED UNLESS THE BOARD DETERMINES THAT THE APPLICATION IS COMPLETE.

(2) A COMPLETE APPLICATION WITH ALL SUBMITTED DOCUMENTS SHALL BE POSTED ONLINE AT LEAST 14 DAYS BEFORE THE HEARING DATE.

(3) THE POSTPONEMENT OF A HEARING SHALL BE POSTED ONLINE NOT LESS THAN 72 HOURS BEFORE THE HEARING DATE.

(C) CHANGES IN APPLICATION.

(1) TO INCORPORATE A CHANGE IN THE APPLICATION DOCUMENT AFTER THE BOARD OR THE BOARD'S DESIGNEE HAS DETERMINED THE APPLICATION TO BE COMPLETE, THE APPLICANT SHALL SUBMIT THE CHANGE TO THE BOARD NOT LATER THAN 15 DAYS BEFORE THE SCHEDULED HEARING.

(2) AFTER THE HEARING ON THE APPLICATION, AN APPLICANT MAY CHANGE THE APPLICATION ONLY AT A NEW HEARING.

(D) FINE.

THE BOARD SHALL IMPOSE A FINE THAT IT DETERMINES FOR FAILURE TO COMPLY WITH THE REQUIREMENTS UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(a)(4)(iii) through (vii) and (ix).

Former Art. 2B, § 10-202(a)(4)(i), which stated that former Art. 2B, § 10-202(a)(4) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10-202(a)(4)(ii), which defined the term "Board" to mean the Board of Liquor License Commissioners, is deleted as redundant of the term defined in § 12-101 of this title.

Defined terms: "Board" § 12-101
"License" § 1-101

SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.

12–1501. APPLICATION OF GENERAL PROVISIONS.**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4–209 (“HEARING”);**
- (5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (6) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (7) § 4–212 (“LICENSE NOT PROPERTY”); AND**
- (8) § 4–213 (“REPLACEMENT LICENSES”).**

(B) EXCEPTION.

SECTION 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12–1507 OF THIS SUBTITLE.

(C) VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO §§ 12–1502 AND 12–1503 OF THIS SUBTITLE;**
- (2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 12–1504 AND 12–1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 12-1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND

(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 12-1506 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “City” § 12-101

“License” § 1-101

“Local licensing board” § 1-101

12-1502. EVIDENCE OF PAID TAXES REQUIRED FOR ISSUANCE OF LICENSE.

(A) CERTIFICATE OF APPROVAL TO DIRECTOR OF FINANCE.

ON APPROVING A LICENSE APPLICATION, THE BOARD SHALL PRESENT A CERTIFICATE OF APPROVAL FOR LICENSURE TO THE DIRECTOR OF FINANCE.

(B) PAYMENTS OF TAXES.

THE BOARD MAY NOT ISSUE A LICENSE UNTIL IT RECEIVES CLEARANCE FROM THE DIRECTOR OF FINANCE THAT ALL PERSONAL PROPERTY TAXES DUE TO THE CITY OR THE STATE ARE PAID.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(a)(3)(i).

In subsection (a) of this section, the reference to “present[ing] a certificate of approval for licensure” is substituted for the former reference to “issu[ing] a certificate of approval for presentation” for clarity.

In subsection (b) of this section, the prohibition against the Board issuing a license “until it receives clearance from the Director of Finance that all personal property taxes due to the City or the State are paid” is substituted for the former prohibition against the Director of Finance issuing a license “unless and until there is presented to the Director also a certificate, issued by the Bureau of Assessments, that shows there are no unpaid taxes due the City or State on the merchandise, fixtures, and stock of the applicant” for clarity and accuracy.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that according to the Baltimore City Board, under current procedures the Board issues alcoholic beverages licenses in the City and may not issue a license until it receives clearance from the City Department of Law (and the State) that all personal taxes due to the City and the State by the applicant are paid. The Director of Finance does not issue licenses. Subsection (b) of this section has been revised to reflect the current practice.

Defined terms: “Board” § 12–101

“City” § 12–101

“License” § 1–101

12–1503. HOLDERS OF OUT–OF–STATE LICENSES.

THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(3), except as it related to the renewal of a license by a person that holds an out–of–state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state” for clarity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“Light wine” § 12–101

“Person” § 1–101

“State” § 1–101

“Wine” § 1–101

12–1504. INTEREST IN MULTIPLE LICENSES — PROHIBITED.

A PERSON MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR INTERLOCKING STOCK OWNERSHIP, FRANCHISE

OPERATION, CHAIN STORE OPERATION, OR ANY OTHER DIRECT OR INDIRECT MANNER.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 9–301(5)(i).

The reference to interests in a license “regardless of whether that interest is” held or controlled in specified manners is added for clarity.

The former reference to a “franchisor, franchisee, chain store operation, partnership, firm or corporation” is deleted as included in the defined term “person”.

The second sentence of former Art. 2B, § 9–301(5)(i), which expressed the intention of the subparagraph, is deleted as unnecessary. Similarly, former § 9–301(5)(ii), which expressed the intention of the subparagraph, is deleted.

Defined terms: “Board” § 12–101

“Person” § 1–101

12–1505. BOWLING ESTABLISHMENTS.

MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:

(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND

(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and light wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Light wine” § 12–101

12-1506. NOTICE OF LICENSE APPLICATION.**(A) PUBLICATION IN NEWSPAPER.**

THE NOTICE OF LICENSE APPLICATION REQUIRED UNDER § 4-208 OF THIS ARTICLE SHALL BE PUBLISHED IN THREE NEWSPAPERS OF GENERAL CIRCULATION IN THE CITY.

(B) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.

(1) THIS SUBSECTION APPLIES TO AN APPLICATION FOR A NEW LICENSE, A CHANGE IN THE CLASS OF A LICENSE, A REQUEST FOR LIVE ENTERTAINMENT ON THE LICENSED PREMISES, AND AN EXTENSION OF THE LICENSED PREMISES.

(2) IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4-208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE HOLDING A HEARING ON THE APPLICATION.

(3) A NOTICE UNDER THIS SUBSECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND PLACE SET BY THE BOARD FOR AN APPLICATION HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(a)(1)(i)1, (b)(1)(i)3 and (ii) and, except as it related to the transfer of a license, (e)(2).

In subsection (b)(2) of this section, the reference to the "location" is substituted for the former reference to the "premises" for consistency with terminology used throughout this article.

Also in subsection (b)(2) of this section, the reference to "post[ing] a suitable notice ... for" at least 10 days is substituted for the former reference to "caus[ing] a suitable sign or notice to be posted and to remain posted for a period of" at least 10 days for brevity.

Also in subsection (b)(2) of this section, the reference to the "hearing on the application" is substituted for the former reference to "action upon the application" for consistency with subsection (b)(2) of this section.

In subsection (b)(3) of this section, the reference to the "date" for an application hearing is added for clarity.

Defined terms: "Board" § 12-101

“City” § 12–101

“License” § 1–101

12–1507. WAITING PERIOD AFTER DENIAL.

(A) SIX–MONTH WAITING PERIOD.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF AN APPLICATION FOR A LICENSE IS DENIED, THE BOARD MAY NOT ISSUE THE SAME CLASS OF LICENSE TO THE SAME APPLICANT OR FOR THE SAME LOCATION FOR 6 MONTHS AFTER THE DENIAL.

(B) EXCEPTION.

THE RESTRICTION AGAINST THE ISSUANCE OF A LICENSE FOR THE SAME LOCATION DOES NOT APPLY IF THE BOARD DECIDES THAT THE DENIAL WAS DIRECTED AGAINST THE APPLICANT AND NOT AGAINST THE LOCATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–208(c)(2) and (3).

In subsection (a) of this section, the phrase “[e]xcept as provided in subsection (b) of this section” is added for clarity.

Also in subsection (a) of this section, the reference to “the Board” is added for clarity.

Also in subsection (a) of this section, the phrase “if an application for a license is denied” is substituted for the former reference to a class of “license for which application was previously made” for clarity.

Also in subsection (a) of this section, the reference to “the same applicant” is substituted for the former reference to “any person who has been refused the issue of any such class of license” for brevity. Similarly, the reference to “the same location” is substituted for the former reference to “any premises for which a license has been so refused”.

Also in subsection (a) of this section, the former phrase “for the retail sale of alcoholic beverages” is deleted as surplusage.

Also in subsection (a) of this section, the former phrase “a period of” 6 months is deleted as surplusage.

Also in subsection (a) of this section, the former reference to the “Circuit Court” is deleted as inaccurate because the circuit court does not issue alcoholic beverages licenses.

Also in subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (b) of this section, the reference to the “same location” is substituted for the former reference to “any premises” for clarity and consistency with subsection (a) of this section.

Also in subsection (b) of this section, the reference to a restriction that “does not apply” is substituted for the former reference to a restriction that “is not effective” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the reference to the “applicant” is substituted for the former reference to the “person or persons applying for the prior license” for brevity.

Also in subsection (b) of this section, the reference to the “location” is substituted for the former reference to the “premises in question” for clarity and consistency with subsection (a) of this section.

Former Art. 2B, § 10–208(c)(1), which stated that former Art. 2B, § 10–208(c) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“License” § 1–101

12–1508. DENIAL RESULTING FROM PROTEST OF OWNER OR OWNERS AND TENANTS.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “OWNERS OF REAL OR LEASEHOLD PROPERTY” INCLUDES HOLDERS OF LEASEHOLD IMPROVEMENTS SUBJECT TO A GROUND RENT, THE CITY, AND THE STATE.

(II) “OWNERS OF REAL OR LEASEHOLD PROPERTY” DOES NOT INCLUDE THE OWNER OF THE LOCATION DESCRIBED IN THE APPLICATION.

(3) “TENANT” MEANS AN INDIVIDUAL WHO RENTS A SINGLE-FAMILY DWELLING AND IS RESIDING THERE FOR AT LEAST 1 YEAR IMMEDIATELY BEFORE THE APPLICATION HEARING.

(B) GROUNDS FOR DENIAL.

A LICENSE APPLICATION SHALL BE DENIED IF:

(1) MORE THAN 50% OF THE OWNERS OF REAL OR LEASEHOLD PROPERTY WITHIN 200 FEET OF THE LOCATION DESCRIBED IN THE APPLICATION OPPOSE THE ISSUING OF THE LICENSE; OR

(2) MORE THAN 50% OF THOSE OWNERS AND TENANTS, IN COMBINATION, OF REAL OR LEASEHOLD PROPERTY LOCATED WITHIN 200 FEET OF THE LOCATION DESCRIBED IN THE APPLICATION OPPOSE THE ISSUING OF THE LICENSE.

(C) VOTE COUNTING.

(1) IF AN OWNER OF A DWELLING PARTICIPATES AS A PROTESTANT OR PROPONENT OF THE APPLICATION, THE OWNER AND THE TENANT OF THE DWELLING SHALL EACH HAVE ONE-HALF VOTE.

(2) IF PROPERTY IS RENTED JOINTLY AND ONE TENANT APPEARS IN PERSON AT THE HEARING AS A PROTESTANT, THE OTHER TENANTS’ PROTEST MAY BE RECORDED BY AFFIDAVIT.

(D) RIGHTS OF CITY AND STATE.

(1) IF THE CITY OR THE STATE OWNS MORE THAN ONE BUILDING WITHIN 200 FEET OF THE LOCATION DESCRIBED IN THE APPLICATION, PROTEST MAY BE MADE SOLELY FOR THE BUILDING THAT IS CLOSEST TO THE LOCATION DESCRIBED IN THE APPLICATION.

(2) THE CITY OR THE STATE MAY PROTEST THROUGH AN AUTHORIZED REPRESENTATIVE OF THE MAYOR AND CITY COUNCIL.

REVISOR’S NOTE: This section is new language derived without substantive change from the first and fourth through ninth sentences of former Art. 2B, § 10–202(e)(1).

In subsection (a)(2)(i) of this section, the reference to improvements “subject to” ground rent is substituted for the former reference to improvements “upon” ground rents for clarity.

In subsection (a)(2)(ii) of this section, the reference to the “location described in the application” is substituted for the former reference to the “subject premises” for consistency with terminology used throughout this article. Similarly, in subsection (b)(1) and (2) of this section, the references to the “location described in the application” are substituted for the former references to the “place of business for which application is made” and “the place of business for which an application for a license is made”. Also, in subsection (d)(1) of this section, the references to the “location described in the application” are substituted for the former references to the “place of business for which application is made”.

In the introductory language of subsection (b) of this section, the former reference to the prohibition against “approv[ing]” a license application is deleted as implied in the requirement to “deny[ing]” an application.

In subsection (b)(1) of this section, the former reference to 50% “in numbers” of the owners is deleted as surplusage.

In subsection (d)(1) of this section, the reference to the protest “be[ing] made solely” for certain buildings is substituted for the former reference to those buildings “be[ing] the basis for making protest under this subsection” for brevity.

In subsection (d)(2) of this section, the former reference to “[t]he City of Baltimore and the State of Maryland each shall be included as an owner of real or leasehold property when it owns title to a building” is deleted as unnecessary in light of the definition of “owners of real or leasehold property”.

Defined terms: “City” § 12–101

“License” § 1–101

“Person” § 1–101

“State” § 1–101

12–1509. ABSTRACT OF TITLE NOT REQUIRED TO ACCOMPANY PROTEST.

(A) IN GENERAL.

THE BOARD:

(1) MAY NOT REQUIRE THAT PROTESTS AGAINST THE ISSUANCE OF A LICENSE BE ACCOMPANIED BY AN ABSTRACT OF TITLE FROM THE LAND RECORDS OF THE CITY SUBSTANTIATING THE PROTESTANTS’ OWNERSHIP OF THE REAL OR LEASEHOLD PROPERTY; BUT

(2) MAY REQUIRE THAT A QUALIFIED PERSON FAMILIAR WITH THE LAND RECORDS OF THE CITY APPEAR AT THE HEARING AND TESTIFY AS TO WHO IS THE HOLDER OF FULL LEGAL TITLE AS SHOWN BY THE LAND RECORDS.

(B) PROPERTY OWNED JOINTLY.

IF AN OWNER OF PROPERTY THAT IS OWNED JOINTLY APPEARS IN PERSON AT THE HEARING AS A PROTESTANT, THE OTHER OWNERS' PROTEST MAY BE RECORDED BY AN AFFIDAVIT.

(C) BOARD TO PROVIDE AFFIDAVIT.

ON REQUEST, THE BOARD SHALL PROVIDE AN AFFIDAVIT FORM TO ANY PERSON WHO CLAIMS TO BE A PROTESTANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(b), except as it related to the transfer of a license.

In subsection (c) of this section, the reference to any person “who claims to be” a protestant is substituted for the former reference to any person “representing himself” to be a protestant to conform to the style of revised articles of using gender–neutral language.

Also in subsection (c) of this section, the former reference to an “acceptable” affidavit is deleted as surplusage.

Defined terms: “Board” § 12–101

“City” § 12–101

“License” § 1–101

“Person” § 1–101

SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.

PART I. LICENSING CONDITIONS.

12–1601. NONCONFORMING USE RESTRICTION.

THE BOARD MAY NOT ISSUE A NEW LICENSE TO A LOCATION WITH A NONCONFORMING USE IN AN AREA ZONED AS “RESIDENTIAL”.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–204.2.

Defined terms: “Board” § 12–101

“License” § 1–101

12–1602. ISSUANCE OF LICENSES IN SPECIFIED AREAS PROHIBITED.

(A) NEW LICENSES OR AMUSEMENT LICENSES.

IN THE AREA BOUNDED BY TWENTY–FIFTH (25TH) STREET ON THE NORTH, CENTRE STREET ON THE SOUTH, HOWARD STREET ON THE WEST, AND GUILFORD AVENUE ON THE EAST, THE BOARD MAY NOT ISSUE:

(1) A NEW LICENSE OTHER THAN A CLASS B LICENSE; OR

(2) AN AMUSEMENT LICENSE TO THE HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE.

(B) CLASS A OR CLASS D LICENSE.

THE BOARD MAY NOT ISSUE A CLASS A (OFF–SALE) OR A CLASS D (ON– AND OFF–SALE) LICENSE IN THE AREA THAT IS BOUNDED:

(1) ON THE NORTH BY THIRTY–NINTH (39TH) STREET, THEN FOLLOWING ELLERSLIE AVENUE, THEN FOLLOWING CHESTNUT HILL AVENUE;

(2) ON THE EAST BY LOCH RAVEN BOULEVARD, THEN FOLLOWING WALPERT AVENUE, THEN FOLLOWING HOMEWOOD AVENUE;

(3) ON THE SOUTH BY NORTH AVENUE; AND

(4) ON THE WEST BY HOWARD STREET, THEN FOLLOWING ART MUSEUM DRIVE, THEN FOLLOWING NORTH CHARLES STREET.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–204(b) and, except as they related to the transfer of a license, (a) and 9–204.1(g).

In the introductory language of subsection (a) of this section, the former reference to a license “for the sale of alcoholic beverages” is deleted as included in the defined term “license”.

In the introductory language of subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Former Art. 2B, § 9–204(c), (d), and (e), which authorized the issuance of three new licenses in specified areas of Baltimore City, are deleted as obsolete. The licenses have been issued.

Defined terms: “Board” § 12–101

“License” § 1–101

12–1603. NEW LICENSES PROHIBITED IN THE 40TH, 41ST, 43RD, 44TH, AND 45TH ALCOHOLIC BEVERAGES DISTRICTS.

(A) ALCOHOLIC BEVERAGES DISTRICTS COTERMINOUS WITH LEGISLATIVE DISTRICTS.

THE ALCOHOLIC BEVERAGES DISTRICTS DESCRIBED IN THIS SECTION AT ALL TIMES ARE COTERMINOUS WITH THE LEGISLATIVE DISTRICTS IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.

(B) ISSUANCE OF LICENSES PROHIBITED.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE IN:

- (1) THE 40TH ALCOHOLIC BEVERAGES DISTRICT;**
- (2) THE 41ST ALCOHOLIC BEVERAGES DISTRICT;**
- (3) THE 43RD ALCOHOLIC BEVERAGES DISTRICT;**
- (4) THE 44TH ALCOHOLIC BEVERAGES DISTRICT; AND**
- (5) THE 45TH ALCOHOLIC BEVERAGES DISTRICT.**

(C) LICENSES ALLOWED.

THE BOARD MAY ISSUE:

(1) IN THE ALCOHOLIC BEVERAGES DISTRICTS SPECIFIED IN SUBSECTION (B) OF THIS SECTION:

(I) A 1–DAY LICENSE; OR

(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE TO A RESTAURANT THAT:

1. HAS A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING THE COST OF LAND AND BUILDINGS, OF \$200,000 FOR RESTAURANT FACILITIES; AND

2. HAS A MINIMUM SEATING CAPACITY OF 75 INDIVIDUALS;

(2) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 45TH ALCOHOLIC BEVERAGES DISTRICT; OR

(3) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN WARD 5, PRECINCT 1 OF THE 44TH ALCOHOLIC BEVERAGES DISTRICT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–204.1(c) and (d)(1)(i) through (v) and, except as it related to the 46th alcoholic beverages district, (2).

In the introductory language of subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in the introductory language of subsection (b) of this section, the former reference to a license “for the sale of alcoholic beverages” is deleted as included in the defined term “license”.

In the introductory language of subsection (c)(1)(ii) of this section, the former reference to a “bona fide” restaurant is deleted as included in the defined term “restaurant”.

Defined terms: “Board” § 12–101

“License” § 1–101

“Restaurant” § 12–101

12–1604. LICENSES IN 46TH ALCOHOLIC BEVERAGES DISTRICT.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO THE 46TH ALCOHOLIC BEVERAGES DISTRICT, WHICH AT ALL TIMES IS COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.

(B) GENERAL PROHIBITION AGAINST ISSUANCE OF LICENSES.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT.

(C) LICENSES ALLOWED.

(1) THE BOARD MAY ISSUE:

(I) A 1-DAY LICENSE; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AND SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE BY A RESTAURANT IF THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT.

(2) THE BOARD MAY ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE:

(I) FOR A RESTAURANT IN WARD 26, PRECINCT 8, WARD 4, PRECINCT 1, OR WARD 3, PRECINCT 3 THAT HAS:

1. SEATING FOR MORE THAN 150 INDIVIDUALS;

2. A MINIMUM CAPITAL INVESTMENT OF \$700,000; AND

3. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT;

(II) FOR A RESTAURANT IN WARD 4, PRECINCT 1, OR WARD 22, PRECINCT 1, IF THE RESTAURANT HAS:

1. SEATING FOR MORE THAN 75 INDIVIDUALS;

2. A MINIMUM CAPITAL INVESTMENT OF \$700,000;

3. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND

4. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO SALES FOR OFF-PREMISES CONSUMPTION;

(III) FOR NOT MORE THAN THREE RESTAURANTS IN A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT AS APPROVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697 ON JUNE 23, 2004, IF EACH RESTAURANT HAS:

- 1. A MINIMUM CAPITAL INVESTMENT OF \$700,000;**
- 2. SEATING FOR MORE THAN 75 INDIVIDUALS;**
- 3. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**
- 4. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO SALES FOR OFF-PREMISES CONSUMPTION; AND**

(IV) FOR NOT MORE THAN THREE RESTAURANTS IN A BUSINESS PLANNED UNIT DEVELOPMENT IN WARD 24, PRECINCT 5, IF EACH RESTAURANT:

- 1. HAS A MINIMUM CAPITAL INVESTMENT OF \$700,000;**
- 2. HAS SEATING FOR MORE THAN 75 INDIVIDUALS, BUT NOT MORE THAN 150 INDIVIDUALS;**
- 3. HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**
- 4. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, MAY NOT SELL FOR OFF-PREMISES CONSUMPTION.**

(3) WHEN A LICENSES IS RENEWED, THE LICENSE HOLDER SHALL FILE WITH THE BOARD A STATEMENT OF AVERAGE DAILY RECEIPTS AND AN AFFIDAVIT OF A LICENSED CERTIFIED PUBLIC ACCOUNTANT THAT VERIFY THAT THE LICENSE HOLDER HAS MET THE REQUIREMENT UNDER PARAGRAPH (1)(II) OR (2)(I)3 OF THIS SUBSECTION.

(4) (I) A LICENSE MAY NOT BE ISSUED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION FOR USE IN AN ESTABLISHMENT THAT IS A FAST FOOD STYLE RESTAURANT.

(II) A LICENSE ISSUED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY NOT BE TRANSFERRED FROM THE LOCATION OF ITS FIRST ISSUANCE.

(5) A LICENSE SPECIFIED UNDER THIS SUBSECTION, INCLUDING A LICENSE THAT DOES NOT ALLOW SALES FOR OFF-PREMISES CONSUMPTION, MAY INCLUDE AN OFF-SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 12-1102 OF THIS TITLE.

(D) PROHIBITED LICENSES.

NOTWITHSTANDING SUBSECTION (C)(1) AND (2) OF THIS SECTION, THE BOARD MAY NOT ISSUE A CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE IN:

(1) THE AREA COVERED BY THE KEY HIGHWAY EAST INDUSTRIAL AREA URBAN RENEWAL PLAN, AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 986 ON JUNE 29, 1987;

(2) THE AREA COVERED BY THE KEY HIGHWAY URBAN RENEWAL PLAN, AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 622 ON MARCH 12, 1986;

(3) (I) WARD 1, PRECINCT 4 OR 5;

(II) WARD 23, PRECINCT 1; AND

(III) WARD 24, PRECINCT 5; AND

(4) THE AREA KNOWN AS PEN LUCY, WARD 9, PRECINCTS 1 AND 2.

(E) ISSUANCE OF LICENSE PROHIBITED FOR SPECIFIED WARDS AND PRECINCTS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR:

(I) WARD 1, PRECINCTS 4 AND 5;

(II) WARD 23, PRECINCT 1; OR

(III) WARD 24, PRECINCT 5.

(2) THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS B BEER, WINE, AND LIQUOR LICENSES, SO THAT THE CUMULATIVE NUMBER OF LICENSES

ISSUED OR TRANSFERRED IS TWO, INTO THE AREA OF 829 THROUGH 919 E. FORT AVENUE ONLY IF THE BOARD:

(I) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMUNITY ASSOCIATIONS IN RIVERSIDE AND LOCUST POINT REGARDING THE NATURE OF THE ESTABLISHMENT; AND

(II) ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER THIS PARAGRAPH AND SEEKS TO RENEW OR TRANSFER THE LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–201(d)(1)(viii) and (ix) and 9–204.1(c), (d)(1)(iv), (2)(i) and (ii)3 and (3), (f)(1), (2), (5), and (8), and, except as they related to the transfer of a license, (3)(i) and (iii)1 and 2.

In subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in subsection (b) of this section, the former reference to a license “for the sale of alcoholic beverages” is deleted as included in the defined term “license”.

In subsection (c) of this section, the former phrase “[n]otwithstanding § 6–201(d)(1)(vii) of this article” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Off-sale” § 1–101

“Restaurant” § 12–101

12–1605. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.

(A) IN GENERAL.

(1) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A NEW LICENSE MAY NOT BE ISSUED FOR AND AN EXISTING LICENSE MAY NOT BE MOVED TO A BUILDING THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF THE BUILDING OF A PLACE OF WORSHIP OR SCHOOL.

(II) IN THE 45TH LEGISLATIVE DISTRICT, A NEW CLASS A LICENSE OF ANY TYPE MAY NOT BE ISSUED FOR A BUILDING THAT IS WITHIN 500

FEET OF THE NEAREST POINT OF THE BUILDING OF A PLACE OF WORSHIP OR SCHOOL.

(2) PARAGRAPH (1)(I) OF THIS SUBSECTION DOES NOT APPLY TO:

(I) A CLASS B BEER AND WINE LICENSE OUTSIDE THE 46TH LEGISLATIVE DISTRICT;

(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE OUTSIDE THE 46TH LEGISLATIVE DISTRICT;

(III) A CLASS C BEER AND WINE LICENSE; AND

(IV) A CLASS C BEER, WINE, AND LIQUOR LICENSE.

(3) A LICENSE FOR USE IN A BUILDING THAT IS WITHIN 300 FEET OF THE GROUNDS OF A PLACE OF WORSHIP OR SCHOOL MAY BE RENEWED OR EXTENDED FOR THE SAME BUILDING.

(4) (I) THIS PARAGRAPH APPLIES ONLY TO AN AREA BOUNDED BY:

1. HIGH STREET ON THE WEST, FAWN STREET ON THE NORTH, CENTRAL AVENUE ON THE EAST, AND EASTERN AVENUE ON THE SOUTH; OR

2. WEST CROSS STREET AND AMITY STREET ON THE WEST, CLIFFORD STREET ON THE NORTH, SCOTT STREET ON THE EAST, AND CARROLL STREET ON THE SOUTH.

(II) THE BOARD MAY WAIVE THE DISTANCE RESTRICTIONS IN PARAGRAPH (1)(I) OF THIS SUBSECTION FOR AN APPLICATION FOR THE TRANSFER OF A LICENSE INTO AN AREA SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IF:

1. THE APPLICATION IS APPROVED BY:

A. EACH COMMUNITY ASSOCIATION REPRESENTING THE AREA;

B. EACH BUSINESS ASSOCIATION IN THE AREA; AND

C. THE ORDAINED LEADER AND THE BOARD OR COUNCIL FOR EACH PLACE OF WORSHIP THAT IS WITHIN 300 FEET OF THE PROPOSED

LOCATION OF THE ESTABLISHMENT FOR WHICH THE LICENSE TRANSFER IS SOUGHT;
AND

2. A MEMORANDUM OF UNDERSTANDING IS EXECUTED BY THE APPLICANT FOR THE LICENSE TRANSFER AND EACH COMMUNITY ASSOCIATION IN THE AREA.

(B) 46TH ALCOHOLIC BEVERAGES DISTRICT.

(1) THIS SUBSECTION:

(I) APPLIES ONLY IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT; AND

(II) DOES NOT APPLY TO A LICENSED RESTAURANT IN:

1. WARD 4, PRECINCT 1;

2. WARD 22, PRECINCT 1;

3. A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT AS APPROVED BY THE MAYOR AND CITY COUNCIL IN ORDINANCE 04-697 ON JUNE 23, 2004; OR

4. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE AREA THAT IS BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF WEST OSTEND STREET AND RACE STREET, NORTH ON RACE STREET TO SELDNER PLACE, THEN EAST ON SELDNER PLACE TO CLARKSON STREET, THEN NORTH ON CLARKSON STREET TO WEST CROSS STREET, THEN EAST ON WEST CROSS STREET TO SOUTH HANOVER STREET, THEN NORTH ON SOUTH HANOVER STREET TO RACE STREET (ALSO KNOWN AS WINTER STREET), THEN WEST/SOUTHWEST ON RACE STREET TO WEST CROSS STREET, THEN WEST ON WEST CROSS STREET TO LEADENHALL STREET, THEN SOUTH ON LEADENHALL STREET TO WEST OSTEND STREET, THEN EAST ON WEST OSTEND STREET BACK TO THE INTERSECTION OF WEST OSTEND STREET AND RACE STREET.

(2) THE BOARD MAY NOT ISSUE OR APPROVE THE TRANSFER OF A LICENSE IF THE LICENSED PREMISES WOULD BE:

(I) WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL; OR

(II) CLOSER TO THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL THAN THE LICENSED PREMISES WAS ON JUNE 1, 2004.

(3) FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN PARAGRAPH (1)(II)4 OF THIS SUBSECTION ONLY IF THE BOARD:

(I) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH A COMMUNITY ASSOCIATION IN THE AREA SPECIFIED IN PARAGRAPH (1)(II)4 OF THIS SUBSECTION REGARDING THE NATURE OF THE ESTABLISHMENT; AND

(II) ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER PARAGRAPH (1)(II)4 OF THIS SUBSECTION AND SEEKS TO RENEW OR TRANSFER THE LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–204.1(f)(1) and (6) and 9–204.3(a), (b), and (d).

Throughout this section, the references to a “place of worship” are substituted for the former narrower references to a “church” to conform to the terminology used throughout this article.

In subsection (a)(1)(i) and (ii) of this section, the former references to a building “located” within a certain number of feet of the nearest point of a building of a place of worship or school are deleted as surplusage.

In subsection (a)(1)(i) of this section, the former reference to a license “to sell alcoholic beverages” is deleted as included in the defined term “license”. Similarly, in subsection (a)(1)(ii) of this section, the former reference to a license “for the sale of alcoholic beverages” is deleted.

In the introductory language of subsection (a)(2) of this section, the former reference to licenses specified in this subsection “which may be issued within the 300 feet limitation” is deleted as surplusage.

In subsection (a)(2)(i) and (ii) of this section, the references to “outside” the 46th Legislative District are substituted for the former references to “[e]xcept in” the 46th Legislative District for clarity.

In subsection (a)(4)(ii)1C of this section, the reference to the “ordained leader” for each place of worship is substituted for the former narrower reference to the “pastor” for each place of worship for accuracy.

Also in subsection (a)(4)(ii)1C of this section, the former reference to the board “of directors” or “pastoral” council for each place of worship is deleted as surplusage.

In the introductory language of subsection (b)(2) and (3) of this section, the references to the Board “approving the” transfer “of” a license are added for accuracy.

In the introductory language of subsection (b)(3) of this section, the former reference to a “proposed” establishment is deleted as surplusage.

Former Art. 2B, § 9–204.3(c), which authorized the governing body of a church to waive restrictions contained in this section for a certain cafe or restaurant, is deleted as obsolete. The license for which the waiver was created has long since been issued.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the Attorney General, in the Bill Review Letter dated April 28, 2014, for S.B. 846 (Ch. 346)/H.B. 831 (Ch. 314) of 2014, found that former Art. 2B, § 9–204.3(d)(2)(i)3, revised as subsection (a)(4)(ii)1C of this section, is unconstitutional under the Establishment Clause of the First Amendment to the United States Constitution and cannot be given effect. The provision, in conditioning the waiver of certain distance restrictions applicable to the transfer of specified licenses on approval by places of worship, would result in an unconstitutional entanglement of religious organizations with the operations of State government. The General Assembly may wish to consider amending subsection (a)(4)(ii)1 of this section to repeal this unconstitutional provision.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Restaurant” § 12–101

12–1606. RESERVED.

12–1607. RESERVED.

PART II. MULTIPLE LICENSING PLANS.

12–1608. ADDITIONAL CLASS B LICENSES FOR APARTMENTS OR HOTELS.

A HOLDER OF A CLASS B (ON-SALE – HOTELS AND RESTAURANTS) BEER, WINE, AND LIQUOR LICENSE MAY BE ISSUED:

(1) NOT MORE THAN THREE ADDITIONAL CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES FOR AN APARTMENT HOUSE WITH AT LEAST 150 APARTMENTS; OR

(2) NOT MORE THAN FIVE ADDITIONAL CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES FOR A HOTEL WITH AT LEAST 100 ROOMS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-2)(1).

In the introductory language of this section, the former phrase "[n]otwithstanding any other provisions of this section," is deleted as surplusage.

Also in the introductory language of this section, the former phrase "by making application in the regular manner and paying the usual fee" is deleted as an unnecessary statement of common practice.

In item (2) of this section, the former reference to "premises operated as a public" hotel is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Wine" § 1-101

12-1609. ADDITIONAL CLASS B LICENSE FOR RESTAURANT.

(A) IN GENERAL.

THE BOARD MAY:

(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ISSUE AN ADDITIONAL CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSE FOR PREMISES USED AS A RESTAURANT THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION TO THE HOLDER OF A CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSE; AND

(2) DEFINE "RESTAURANT" BY REGULATION.

(B) RESTAURANT REQUIREMENTS.

(1) A RESTAURANT UNDER THIS SECTION IS REQUIRED TO HAVE:

(I) A MINIMUM CAPITAL INVESTMENT OF \$500,000 FOR RESTAURANT FACILITIES; AND

(II) A MINIMUM SEATING CAPACITY OF 125 INDIVIDUALS.

(2) THE CAPITAL INVESTMENT DESCRIBED IN PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT INCLUDE THE COST OF LAND OR BUILDINGS.

(C) MAXIMUM NUMBER OF LICENSES PER PERSON.

THE BOARD MAY NOT ISSUE MORE THAN FIVE LICENSES UNDER THIS SECTION TO OR FOR THE USE OF THE SAME PERSON.

(D) ON-PREMISES CONSUMPTION ONLY.

ADDITIONAL LICENSES SHALL BE LIMITED TO PROVIDING ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3A)(3) and, as it related to Baltimore City, (1) and (2).

In subsection (a) of this section, the phrase “[t]he Board may” issue an additional license is added for clarity.

In subsection (a)(1) of this section, the phrase “subject to subsection (c) of this section” is substituted for the former phrase “[n]otwithstanding any other provisions of this section,” for accuracy.

Also in subsection (a)(1) of this section, the former references to a “bona fide” restaurant are deleted as surplusage.

Also in subsection (a)(1) of this section, the former phrase “by making application in the regular manner and paying the usual fee” is deleted as surplusage.

In subsection (c) of this section, the defined term “person” is substituted for the former reference to “partnership, corporation, unincorporated association, or limited liability company” for brevity and consistency within the article.

Also in subsection (c) of this section, the phrase “[t]he Board may not issue” is substituted for the former phrase “[n]othing contained herein shall permit” for clarity.

In subsection (d) of this section, the former phrase “with no off-sale privileges to be exercised therewith” is deleted as surplusage.

Also in subsection (d) of this section, the former reference to “restricted” is deleted as included in the reference to “limited”.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

“Person” § 1–101

SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.

12–1701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND

(3) § 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO §§ 12–1702, 12–1703, 12–1705, 12–1706, 12–1707, AND 12–1708 OF THIS SUBTITLE; AND

(2) § 4–305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 12–1704 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “City” § 12–101
“License” § 1–101

12–1702. NOTICE, PROTEST, AND HEARING PROCEDURES ON LICENSE TRANSFERS.

(A) NOTICE AND HEARING PROCEDURES.

THE BOARD SHALL PROVIDE NOTICE FOR A PUBLIC HEARING AS PROVIDED IN § 12–1506 OF THIS TITLE ON AN APPLICATION FOR A LICENSE TRANSFER IF:

(1) THE TRANSFER INCLUDES A TRANSFER OF LOCATION;

**(2) THE PREMISES HAVE BEEN CLOSED FOR MORE THAN 90 DAYS
UNLESS:**

(I) THE TRANSFER IS DUE TO AN ACTION OF A CREDITOR; OR

**(II) THE CLOSING IS CAUSED BY FIRE, CASUALTY, OR ACT OF
GOD; OR**

(3) FOR AN ESTABLISHMENT IN OPERATION, THE HEARING IS REQUESTED BY AT LEAST 10 RESIDENTS IN THE IMMEDIATE AREA OF THE ESTABLISHMENT.

(B) PROTEST PROCEDURES.

(1) SECTION 12–1508 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A LICENSE TRANSFER FOR THE SAME PREMISES UNLESS THE LICENSE TO BE TRANSFERRED IS OF A BROADER SCOPE OR MORE PERMISSIVE CLASS THAN THE LICENSE PRESENTLY ISSUED FOR THE SAME PREMISES.

(2) SECTION 12–1509 OF THIS TITLE APPLIES TO AN APPLICATION FOR A LICENSE TRANSFER.

(C) FACTORS IN DECIDING ON APPLICATION FOR TRANSFER.

THE BOARD SHALL USE THE FACTORS SPECIFIED IN § 4–210(A) AND (B) OF THIS ARTICLE IN DECIDING WHETHER TO APPROVE AN APPLICATION FOR A LICENSE TRANSFER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(e)(3), (2)(iv) and (v), the second and

third sentences of (1), and, as they related to license transfers, (2)(i) and § 16–301(b).

In the introductory language of subsection (a) of this section, the reference to the requirement that the Board “provide notice for a public hearing as provided in § 12–1506 of this title on an application for a license transfer” is substituted for the former references to the requirements that “[o]n receipt of an application for ... a transfer of a license ...” the Board shall “advertise and post notice of the application or request in accordance with this paragraph” and the Board shall “hold a public hearing on the transfer of ownership of a license” for brevity and in light of the reorganization of this article. The remainder of Art. 2B, 10–202(e)(1) is revised in § 12–1506 of this title.

In subsection (b)(1) of this section, the reference to “[s]ection 12–1508 of this title” is substituted for the former references to “[t]his subsection” to reflect the revision of the remainder of former Art. 2B, § 10–202(e)(1) in § 12–1508 of this title. Similarly, in subsection (b)(2) of this section, a cross-reference to “[s]ection 12–1509 of this title” is substituted for former Art. 2B, § 16–301(b), as it related to license transfers, to reflect the revision of the remainder of § 16–301(b), as it related to the issuance of licenses, in § 12–1509 of this title.

Defined terms: “Board” § 12–101

“License” § 1–101

12–1703. PAYMENT OF TAXES.

THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE BOARD IS PRESENTED WITH A RECEIPT OR CERTIFICATE FROM THE DIRECTOR OF FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE THE CITY OR THE STATE ARE PAID.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(d)(2).

The phrase “[t]he Board may not allow the transfer of a license unless” is substituted for the former phrase “[a] transfer of any license may only be made as authorized in subsection (a) of this section if” for brevity and clarity.

The reference to a requirement to show that “all personal property taxes due the City or the State are paid” is substituted for the former requirement to show that “there are no unpaid taxes on the merchandise, fixtures, or stock of the transferor due to the City of Baltimore or the State of Maryland” for clarity and consistency. *See, e.g.* § 12–1502 of this article.

Former Art. 2B, § 10–503(d)(1), which stated that former Art. 2B, § 10–503(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“City” § 12–101

“License” § 1–101

“State” § 1–101

12–1704. FEE.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE FEE FOR A TRANSFER OF A LICENSE IS \$200, IN ADDITION TO THE COSTS OF PUBLICATION AND NOTICE AND ANY HEARING FEES REQUIRED.

(B) ONE ASSIGNMENT OR TRANSFER WITHOUT CHARGE.

A CLASS C LICENSE HOLDER MAY TRANSFER ONE LICENSE DURING A LICENSE YEAR WITHOUT PAYING A FEE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(d)(3).

In subsection (a) of this section, the former reference to an “assignment” is deleted as included in the reference to a “transfer”. Similarly, in subsection (b) of this section, the former reference to “assign[ing]” one license is deleted as included in the reference to “transfer[ring]” one license.

Defined term: “License” § 1–101

12–1705. TRANSFER TO BE COMPLETED IN 180 DAYS.

A TRANSFER OF A LICENSE SHALL BE COMPLETED ON OR BEFORE 180 DAYS AFTER THE BOARD APPROVES THE TRANSFER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(d)(4).

Defined terms: “Board” § 12–101

“License” § 1–101

12–1706. TRANSFERS INTO SPECIFIED AREAS PROHIBITED.

(A) AREA BOUNDED BY 25TH STREET, CENTRE STREET, HOWARD STREET, AND GUILFORD AVENUE.

THE BOARD MAY NOT TRANSFER A LICENSE INTO THE AREA BOUNDED BY TWENTY-FIFTH (25TH) STREET ON THE NORTH, CENTRE STREET ON THE SOUTH, HOWARD STREET ON THE WEST, AND GUILFORD AVENUE ON THE EAST.

(B) VARIOUS PRECINCTS IN WARDS 1, 23, AND 24.

(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE BOARD MAY NOT TRANSFER A LICENSE INTO:

(I) WARD 1, PRECINCTS 4 AND 5;

(II) WARD 23, PRECINCT 1; OR

(III) WARD 24, PRECINCT 5.

(2) THE BOARD MAY ALLOW THE TRANSFER OF ONE CLASS D LICENSE INTO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT LOCATED IN WARD 24, PRECINCT 5 WHICH WAS ENACTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697 ON JUNE 23, 2004, IF THE CLASS D LICENSE HOLDER OPERATES THE ESTABLISHMENT IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE 04-697.

(3) (I) THE BOARD MAY ALLOW THE TRANSFER OF NOT MORE THAN TWO CLASS B BEER, WINE, AND LIQUOR LICENSES, SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED IS TWO, INTO THE AREA OF 829 THROUGH 919 E. FORT AVENUE ONLY IF:

1. THE BOARD HAS EXECUTED A MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMUNITY ASSOCIATIONS IN RIVERSIDE AND LOCUST POINT REGARDING THE NATURE OF THE PROPOSED ESTABLISHMENT; AND

2. THE BOARD ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER § 12-1604 OF THIS TITLE AND SEEKS TO TRANSFER THE LICENSE.

(II) THE BOARD MAY NOT ALLOW A LICENSE TO BE TRANSFERRED OUT OF THE AREA DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AND INTO ANY OTHER AREA OF WARD 24, PRECINCT 5.

(C) 46TH ALCOHOLIC BEVERAGES DISTRICT.

THE BOARD MAY NOT AUTHORIZE:

(1) THE TRANSFER OF ANY LICENSE INTO THE 46TH ALCOHOLIC BEVERAGES DISTRICT;

(2) THE TRANSFER OF A NEW CLASS B BEER, WINE, AND LIQUOR LICENSE TO ANOTHER LOCATION WITHIN THE 46TH ALCOHOLIC BEVERAGES DISTRICT; OR

(3) A CHANGE OF CLASSIFICATION OF A NEW CLASS B BEER, WINE, AND LIQUOR LICENSE WITHIN THE 46TH ALCOHOLIC BEVERAGES DISTRICT.

(D) OTHER PROHIBITED TRANSFERS; EXCEPTIONS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE MAY NOT BE TRANSFERRED INTO OR WITHIN:

(I) WARD 1, PRECINCTS 2 AND 3;

(II) WARD 2 IN ITS ENTIRETY;

(III) WARD 3, PRECINCT 3; AND

(IV) WARD 26, PRECINCTS 3 AND 10.

(2) THIS SUBSECTION DOES NOT APPLY TO AN APPLICATION FOR A NEW LICENSE OR A TRANSFER FROM WITHIN THE AREAS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF THE NEW LICENSE OR TRANSFER IS FOR:

(I) A HOTEL;

(II) AN ESTABLISHMENT LOCATED IN A PLANNED UNIT DEVELOPMENT IF THE APPLICATION FOR THE PLANNED UNIT DEVELOPMENT WAS FILED OR APPROVED BEFORE DECEMBER 31, 1995;

(III) AN ESTABLISHMENT LOCATED IN AN AREA GOVERNED BY THE INNER HARBOR EAST URBAN RENEWAL PLAN; OR

(IV) AN ESTABLISHMENT THAT HAS:

1. A SEATING CAPACITY OF FEWER THAN 150 INDIVIDUALS; OR

2. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–204.1(d)(1)(vi) and (f)(4) and (7) and, as they related to the transfer of a license, §§ 9–204(a) and 9–204.1(f)(3).

In subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of law” is deleted as surplusage.

In the introductory language of subsection (d)(1) of this section, the former reference to a transfer “to a different location” within is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“Hotel” § 1–101

“License” § 1–101

“Wine” § 1–101

12–1707. TRANSFERS INTO THE 40TH, 41ST, 43RD, 44TH, AND 45TH ALCOHOLIC BEVERAGES DISTRICTS PROHIBITED.

(A) ALCOHOLIC BEVERAGES DISTRICTS COTERMINOUS WITH LEGISLATIVE DISTRICTS.

THE ALCOHOLIC BEVERAGES DISTRICTS DESCRIBED IN THIS SECTION AT ALL TIMES ARE COTERMINOUS WITH THE LEGISLATIVE DISTRICTS IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.

(B) TRANSFER OF LICENSES PROHIBITED.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A LICENSE MAY NOT BE TRANSFERRED INTO:

(1) THE 40TH ALCOHOLIC BEVERAGES DISTRICT;

(2) THE 41ST ALCOHOLIC BEVERAGES DISTRICT;

(3) THE 43RD ALCOHOLIC BEVERAGES DISTRICT;

(4) THE 44TH ALCOHOLIC BEVERAGES DISTRICT; AND

(5) THE 45TH ALCOHOLIC BEVERAGES DISTRICT.

(C) EXCEPTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A LICENSE OF ANY CLASS MAY NOT BE TRANSFERRED INTO THE AREAS DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

(2) A LICENSED DRUGSTORE MAY TRANSFER THE LICENSE INTO THE 45TH ALCOHOLIC BEVERAGES DISTRICT.

(3) ONE CLASS B-D-7 LICENSE ISSUED FOR A PROPERTY SURROUNDED BY WEST PRESTON STREET ON THE NORTH, MORTON STREET ON THE EAST, WEST BIDDLE STREET ON THE SOUTH, AND MARYLAND AVENUE ON THE WEST MAY BE TRANSFERRED TO A PROPERTY SURROUNDED BY WEST EAGER STREET AND EAST EAGER STREET ON THE NORTH, LOVEGROVE STREET ON THE EAST, WEST READ STREET AND EAST READ STREET ON THE SOUTH, AND MORTON STREET ON THE WEST.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-204.1(c), (e), and (d)(1)(i) through (v).

Former Art. 2B, § 9-204.1(a), which defined "Board" for purposes of this section, is deleted as redundant of the defined term "Board" in § 12-101 of this title.

Former Art. 2B, § 9-204.1(b), which stated that former Art. 2B, § 9-204.1 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9-204.1(h)(8), which stated that the Board may adopt regulations to carry out former Art. 2B, § 9-204.1, is deleted as redundant of § 9-210 of this article.

Defined terms: "Alcoholic beverage" § 1-101
"License" § 1-101

12-1708. TRANSFER INTO SPECIFIED AREAS PROHIBITED.

(A) CLASS A OR CLASS D LICENSES.

A CLASS A (OFF-SALE) OR CLASS D (ON- AND OFF-SALE) LICENSE MAY NOT BE TRANSFERRED INTO THE AREA THAT IS BOUNDED:

(1) ON THE NORTH BY THIRTY-NINTH (39TH) STREET, THEN FOLLOWING ELLERSLIE AVENUE, THEN FOLLOWING CHESTNUT HILL AVENUE;

(2) ON THE EAST BY LOCH RAVEN BOULEVARD, THEN FOLLOWING WALPERT AVENUE, THEN FOLLOWING HOMEWOOD AVENUE;

(3) ON THE SOUTH BY NORTH AVENUE; AND

(4) ON THE WEST BY HOWARD STREET, THEN FOLLOWING ART MUSEUM DRIVE, THEN FOLLOWING NORTH CHARLES STREET.

(B) CLASS A LICENSES.

A CLASS A LICENSE MAY NOT BE TRANSFERRED TO AN ESTABLISHMENT:

(1) ON YORK ROAD IN THE AREA BOUNDED BY NORTHERN PARKWAY ON THE NORTH AND GREENMOUNT AVENUE ON THE SOUTH; OR

(2) LOCATED IN THE 400 BLOCK OF EAST BELVEDERE AVENUE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–204.1(i)(1) and, as it related to the transfer of a license, (g).

In the introductory language of subsection (b) of this section, the former phrase “[b]eginning July 1, 2015,” is deleted as obsolete.

Also in the introductory language of subsection (b) of this section, the former reference to an “existing” Class A license is deleted as surplusage.

Defined terms: “License” § 1–101

“Off-sale” § 1–101

“On-sale” § 1–101

12–1709. MULTIPLE LICENSES.

NOTWITHSTANDING § 12–1504 OF THIS TITLE, A PERSON THAT HAS AN INTEREST IN MORE THAN ONE CLASS A LICENSE MAY TRANSFER EACH LICENSE TO A SIMILAR TYPE OF BUSINESS ESTABLISHMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 2B, § 9–301(5)(i).

The phrase “[n]otwithstanding § 12–1504 of this title” is substituted for the former phrase “[n]othing in this section applies to or affects” to reflect the revision of the first sentence of former Art. 2B, § 9–301(5)(i) in § 12–1504 of this title.

The reference to a person who “may transfer” a license is substituted for the former reference to the “possibility of such licensee having the license transferred” for clarity.

Defined terms: “License” § 1–101

“Person” § 1–101

12–1710. TRANSFER OF LICENSE FOR USE ON SAME LOCATION AS ANOTHER LICENSE.

A PERSON MAY TRANSFER A LICENSE TO A HOLDER OF ANOTHER LICENSE THAT ALREADY EXISTS FOR USE ON THE SAME LOCATION IF:

(1) NO PROVISION OF THIS ARTICLE PROHIBITS THE LICENSE FROM BEING TRANSFERRED TO THE LOCATION;

(2) THE BOARD:

(I) DETERMINES THAT THE EXISTING LICENSE IS INOPERATIVE; AND

(II) 1. REVOKES THE EXISTING LICENSE WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THE TRANSFER; OR

2. APPROVES THE TRANSFER OF THE EXISTING LICENSE TO A NEW HOLDER AND LOCATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–2)(2) and (3).

In the introductory language of this section, the former phrase “[n]otwithstanding any other provision of this section, and subject to the provisions of paragraph (3) of this subsection” is deleted as unnecessary in light of the organization of this revised article.

Also in the introductory language of this section, the former reference to a license “of any class” is deleted as unnecessary.

In item (1) of this section, the former reference to the location “in which the license is to be transferred” is deleted for brevity.

In item (2)(i) and (ii)1 of this section, former references to the existing license “at the location” are deleted as unnecessary.

In item (2)(i) of this section, the phrase “is inoperative” is substituted for the former phrase “is held in inoperative status” for brevity.

Defined terms: “Board” § 12–101

“License” § 1–101

“Person” § 1–101

SUBTITLE 18. RENEWAL OF LICENSES.

12–1801. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (4) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (5) § 4–409 (“MULTIPLE LICENSES”); AND**
- (6) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

(B) EXCEPTION.

SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12–1802 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

(1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO §§ 12-1803 AND 12-1804 OF THIS SUBTITLE; AND

(2) § 4-406 (“PROTESTS”), SUBJECT TO § 12-1805 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “City” § 12-101

“License” § 1-101

12-1802. FILING PERIOD FOR RENEWAL APPLICATION.

TO RENEW A LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE AN APPLICATION WITH THE BOARD BETWEEN MARCH 1 AND MARCH 31, INCLUSIVE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(j)(2)(i).

Defined terms: “Board” § 12-101

“License” § 1-101

“License holder” § 1-101

12-1803. CONTENTS OF RENEWAL APPLICATION — SPECIFIED TRANSFERRED LICENSES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO A LICENSE THAT IS ISSUED IN, TRANSFERRED INTO, OR TRANSFERRED TO A DIFFERENT LOCATION WITHIN THE FOLLOWING AREAS OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT IF THE APPLICATION FOR THE ISSUANCE OR TRANSFER WAS RECEIVED BY THE BOARD AFTER DECEMBER 31, 1995:

(1) WARD 1, PRECINCTS 2, 3, 4, AND 5;

(2) WARD 2, IN ITS ENTIRETY;

(3) WARD 3, PRECINCT 3; AND

(4) WARD 26, PRECINCT 10.

(B) SEATING CAPACITY RATING.

A LICENSE HOLDER SHALL FILE WITH A LICENSE RENEWAL APPLICATION A COPY OF THE VALID SEATING CAPACITY RATING ISSUED BY THE BALTIMORE CITY FIRE DEPARTMENT FOR THE LICENSED PREMISES.

(C) SALES OF FOOD AND ALCOHOLIC BEVERAGES.

(1) IF THE SEATING CAPACITY RATING FOR THE LICENSED PREMISES EXCEEDS 150 PERSONS, THE BOARD MAY REQUIRE THE LICENSE HOLDER TO SUBMIT WITH THE LICENSE RENEWAL APPLICATION AN ACCOUNTING OF THE GROSS SALES FOR THE PREVIOUS LICENSE YEAR.

(2) THE ACCOUNTING DESCRIBED IN THIS SUBSECTION SHALL:

(I) BE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; AND

(II) AT A MINIMUM, SPECIFY SEPARATE FIGURES FOR:

1. TOTAL SALES, NOT INCLUDING SALES OF NOVELTY ITEMS, INCOME FROM VENDING MACHINES, OR OTHER SALES NOT DIRECTLY RELATED TO FOOD OR BEVERAGES;

2. ALCOHOLIC BEVERAGES SALES; AND

3. FOOD SALES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(j)(3).

In subsections (b) and (c) of this section, the references to licensed “premises” are substituted for the former references to a licensed “establishment[s]” for clarity and consistency within this revised article.

In subsection (b) of this section, the reference to “seating capacity rating” is substituted for the former reference to “capacity rating” for clarity and consistency within this section.

In subsection (c) of this section, the reference authorizing the Board to require a license holder to “submit with the license renewal application” an accounting is substituted for the former reference authorizing the Board to require a license holder to “obtain” an accounting to state expressly what was only implied in the former law.

Also in subsection (c) of this section, the reference to the “previous” license year is substituted for the former reference to the “license year immediately preceding the filing of the license renewal application” for clarity and brevity.

Also in subsection (c) of this section, the former reference to separate figures “for each of the following” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

12–1804. CONTENTS OF RENEWAL APPLICATION — SPECIFIED RESTAURANTS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO A LICENSE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE IN A RESTAURANT IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT.

(B) CONTENTS OF APPLICATION.

A LICENSE HOLDER SHALL FILE WITH A LICENSE RENEWAL APPLICATION:

(1) A STATEMENT THAT VERIFIES AVERAGE DAILY RECEIPTS; AND

(2) AN AFFIDAVIT OF A LICENSED CERTIFIED PUBLIC ACCOUNTANT THAT VERIFIES COMPLIANCE WITH § 12–903(C)(2)(II)1 OR (3)(III) OF THIS TITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(d)(1)(viii)2 and, as it related to the renewal of a Class B beer, wine, and liquor license for use in a restaurant in the 46th Alcoholic Beverages District, 1.

In the introductory language of subsection (b) of this section, the former word “annually” is deleted as unnecessary in light of the requirement under § 12–1802 of this subtitle that a renewal application be filed annually.

Also in the introductory language of subsection (b) of this section, the reference to the requirement that a license holder shall file “with a license renewal application” is substituted for the former reference to the requirement that a license holder “at the time the license is renewed” shall file “with the Board” for brevity.

Defined terms: “Beer” § 1–101
“License holder” § 1–101
“Restaurant” § 12–101
“Wine” § 1–101

12–1805. LIMITATIONS ON PROTESTS.

**TO HEAR AND DETERMINE A PROTEST FILED AGAINST A LICENSE RENEWAL,
THE BOARD:**

**(1) SHALL CONSIDER ONLY ISSUES WITH RESPECT TO A SPECIFIC
COMPLAINT AS TO THE OPERATION OF THE LICENSED PREMISES; AND**

(2) MAY NOT CONSIDER ZONING ISSUES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(v).

In item (1) of this section, the reference that requires the Board to only “consider ... issues with respect to” a specific complaint is added for clarity.

In item (2) of this section, the reference that states that the Board may not “consider zoning issues” is added for clarity.

Also in item (2) of this section, the reference to a determination based on “zoning issues” is substituted for the former reference to a determination “in regard to zoning” for clarity.

Also in item (2) of this section, the former reference to a determination based on zoning “as in the case of original application” is deleted as unnecessary.

Defined terms: “Board” § 12–101
“License” § 1–101

12–1806. DENIAL RESULTING FROM PROTEST OF OWNERS OR OWNERS AND TENANTS NOT APPLICABLE TO RENEWAL OF LICENSE.

**SECTION 12–1508 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A
LICENSE FOR THE SAME PREMISES BY WAY OF RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(e)(1), as it applied to the renewal of a license.

Defined term: “License” § 1–101

12-1807. PAYMENT OF TAXES.

SECTION 12-2103 OF THIS TITLE APPLIES TO A HOLDER OF A LICENSE THAT HAS BEEN RENEWED.

REVISOR'S NOTE: This section is new language added as a convenient reference to the requirement that a license holder present to the Board a certificate showing that there are no unpaid taxes on the merchandise, fixtures, or inventory of the license holder due to the City or State.

Defined term: "License" § 1-101

12-1808. FEES.**(A) RENEWAL APPLICATION FEE.**

AN APPLICANT FOR LICENSE RENEWAL SHALL PAY A RENEWAL APPLICATION FEE OF \$50 TO THE DIRECTOR OF FINANCE IN ADDITION TO THE LICENSE FEE.

(B) LATE FILING FEE.

A LICENSE RENEWAL APPLICATION THAT THE BOARD RECEIVES AFTER MARCH 31 MAY BE:

(1) REJECTED; OR

(2) SUBJECT TO A LATE FINE OF \$50 FOR EACH DAY THE APPLICATION IS LATE, UP TO A MAXIMUM AMOUNT OF \$1,500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(j)(2)(ii) and (iii).

In subsection (a) of this section, the phrase "in addition to the license fee" is added to state expressly that which only was implied in the former law.

Also in subsection (a) of this section, the former reference to a license "issued by the Board" is deleted as unnecessary.

In subsection (b)(2) of this section, the reference to late charges "up to a maximum amount" of \$1,500 is added for clarity.

Also in subsection (b)(2) of this section, the former reference to a late charge for each day the application is "filed" late is deleted for clarity, consistency, and accuracy. A person filing late would do so only on one particular day, and thus the fine would always be \$50. This result contradicts the obvious intent

of the provision to provide a possible fine for multiple late days, and is inconsistent with the terminology used in similar provisions in this revision.

Defined terms: “Board” § 12–101

“License” § 1–101

12–1809. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.

THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(xiv)2.

Defined term: “License” § 1–101

12–1810. HOLDERS OF OUT–OF–STATE LICENSES.

NOTWITHSTANDING § 12–1503 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(3), as it related to the renewal of a license by a person who holds an out–of–state license.

The phrase “[n]otwithstanding § 12–1503 of this title,” is added to clarify that this section is an exception to § 12–1503.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out–of–state” license is substituted for the former reference to the “except[ion] by way of renewal to a person, corporation, or limited liability company holding” an out–of–state license for clarity and to avoid the implication that a licensee can obtain an out–of–state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“State” § 1–101

“Wine” § 1–101

12-1811. MULTIPLE LICENSES.

NOTWITHSTANDING § 12-1504 OF THIS TITLE, A PERSON THAT HAS AN INTEREST IN MORE THAN ONE CLASS A LICENSE MAY RENEW THE LICENSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-301(5)(i), as it related to the renewal of a license.

The phrase “[n]otwithstanding § 12-1504 of this title,” is added to clarify that this section is an exception to § 12-1504.

Defined term: “Person” § 1-101

SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**12-1901. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (4) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (5) § 4-508 (“DISPLAY OF LICENSE”).**

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

- (1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 12-1903 OF THIS SUBTITLE; AND**

(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 12-1904 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“City” § 12-101

“License” § 1-101

“License holder” § 1-101

12-1902. DUPLICATE LICENSES.

(A) ESTABLISHMENT WITH MULTIPLE PUBLIC AREAS.

AN ESTABLISHMENT WITH MULTIPLE PUBLIC AREAS IN WHICH ALCOHOLIC BEVERAGES ARE SOLD SHALL DISPLAY A DUPLICATE LICENSE IN EACH AREA.

(B) DUPLICATE LICENSE FEE.

THE FEE FOR A DUPLICATE LICENSE IS \$20.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-502(c)(2) and (3).

Former Art. 2B, § 10-502(c)(1), which stated that the provisions of § 10-502(c) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101

“License” § 1-101

12-1903. EMPLOYMENT OF UNDERAGE INDIVIDUALS.

A LICENSE HOLDER:

(1) MAY EMPLOY AN INDIVIDUAL AT LEAST 18 YEARS OLD TO SELL, SERVE, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES; AND

(2) MAY NOT EMPLOY OR ALLOW AN INDIVIDUAL UNDER THE AGE OF 18 YEARS TO:

(I) SELL, SERVE, OR DELIVER ALCOHOLIC BEVERAGES; OR

(II) PROVIDE ENTERTAINMENT ON THE LICENSED PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–302(b)(2).

The references to an “individual” are substituted for the former references to a “person” because this section concerns only human beings.

Defined terms: “Alcoholic beverage” § 1–101
“License holder” § 1–101

12–1904. ALCOHOL AWARENESS PROGRAM.

(A) APPLICABLE TO UNLICENSED ESTABLISHMENTS.

THE ALCOHOL AWARENESS PROGRAM ALSO APPLIES TO AN UNLICENSED ESTABLISHMENT THAT IS COVERED UNDER SUBTITLE 25 OF THIS TITLE.

(B) DUTIES OF OWNER OR DESIGNATED EMPLOYEE.

AN OWNER OF AN UNLICENSED ESTABLISHMENT OR INDIVIDUAL WHO IS DESIGNATED BY THE OWNER AND EMPLOYED IN A SUPERVISORY CAPACITY IS REQUIRED TO BE:

(1) CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;
AND

(2) PRESENT WHEN ALCOHOLIC BEVERAGES ARE SERVED OR CONSUMED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(b)(1)(iv) and (c)(4).

In the introductory language of subsection (b) of this section, the reference to an “unlicensed establishment” is substituted for the former obsolete reference to a “bottle club”.

Also in the introductory language of subsection (b) of this section, the reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Defined term: “Alcoholic beverage” § 1–101

SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.

12–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.

(A) IN GENERAL.

(1) EXCEPT AS OTHERWISE PROVIDED BY LAW OR REGULATION, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES:

(I) IN A PREMISES LICENSED UNDER THIS TITLE; OR

(II) IN A PLACE, WHETHER IT HAS ANY OTHER LICENSE, IF ANY FORM OF LIVE OR RECORDED ENTERTAINMENT IS OFFERED AT THE PLACE.

(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES OR PLACE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–305(b)(1), (c), and (e) and 11–304(a)(1) and, as it related to Baltimore City, (2).

In subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public accommodation, or any place at which setups or other component parts of mixed alcoholic drinks are sold” for brevity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not more than \$50 and not less than \$5” is deleted as obsolete in light of the penalty imposed under former Art. 2B, § 11–305(e), which is revised in subsection (b) of this section.

Defined terms: “Alcoholic beverage” § 1–101
“Person” § 1–101

12–2002. BEER LICENSES.

RESERVED.

12–2003. BEER AND LIGHT WINE LICENSES.

(A) CLASS A BEER AND LIGHT WINE LICENSE.

(1) EXCEPT AS PROVIDED IN § 12–2005 OF THIS SUBTITLE, A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:

(I) ON MONDAY THROUGH SATURDAY:

1. FROM 9 A.M. TO MIDNIGHT IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

2. FROM 6 A.M. TO MIDNIGHT IN ALL OTHER LOCATIONS IN THE CITY; AND

(II) ON THE SUNDAYS THAT FALL BETWEEN THANKSGIVING DAY AND NEW YEAR’S DAY, FROM 1 P.M. TO 9 P.M., IF, ON OR BEFORE SEPTEMBER 30 OF THAT YEAR, THE LICENSE HOLDER HAS PAID A SUPPLEMENTARY LICENSE FEE OF \$75 FOR EACH SUNDAY THE PRIVILEGE IS TO BE EXERCISED.

(2) IN ADDITION TO THE PRIVILEGES SPECIFIED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE FOR OFF–PREMISES CONSUMPTION ON TWO ADDITIONAL SUNDAYS DURING THE CALENDAR YEAR IF THE HOLDER PAYS A LICENSE FEE OF \$75 AT LEAST 2 WEEKS BEFORE EACH TIME THE PRIVILEGE IS EXERCISED.

(B) CLASS B BEER AND LIGHT WINE LICENSE.

(1) EXCEPT AS PROVIDED IN § 12–2005 OF THIS SUBTITLE, A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:

(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.

(2) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE AND § 12-903(D) OF THIS TITLE, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS C BEER AND LIGHT WINE LICENSE.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:

(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.

(2) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER AND LIGHT WINE LICENSE.

EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:

(1) FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

(2) FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(a)(1) and (2), (b)(1) and (2), (c)(1) and (2), (d)(1) and (2), and (j) and 11-403(a)(3).

Throughout this section, the phrase “[e]xcept as provided in § 12–2005 of this subtitle” is added for clarity.

In subsections (a)(1)(i)2, (b)(1)(ii), (c)(1)(ii), and (d)(2) of this section, the phrase “in all other locations of the City” is added for clarity.

In subsection (a)(1)(ii) of this section, the reference to each “Sunday” is substituted for the former reference to each “day” in light of the fact that the privilege under subsection (a)(1)(ii) is one that may be exercised only on Sundays.

Also in subsection (a)(1)(ii) of this section, the former reference to an “additional” privilege is deleted as surplusage.

In subsections (b)(2) and (c)(2) of this section, the references to “beer and light wine” are substituted for the former references to “alcoholic beverages” for clarity.

Defined terms: “Beer” § 1–101

“City” § 12–101

“License holder” § 1–101

“Wine” § 1–101

12–2004. BEER, WINE, AND LIQUOR LICENSES.

(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) ON MONDAY THROUGH SATURDAY:

1. FROM 9 A.M. TO MIDNIGHT IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

2. FROM 6 A.M. TO MIDNIGHT IN ALL OTHER LOCATIONS IN THE CITY; AND

(II) ON THE SUNDAYS THAT FALL BETWEEN THANKSGIVING DAY AND NEW YEAR’S DAY, FROM 1 P.M. TO 9 P.M., IF, ON OR BEFORE SEPTEMBER 30 OF THAT YEAR, THE LICENSE HOLDER HAS PAID A SUPPLEMENTARY LICENSE FEE OF \$75 FOR EACH SUNDAY THE PRIVILEGE IS TO BE EXERCISED.

(2) IN ADDITION TO THE PRIVILEGES SPECIFIED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION ON TWO ADDITIONAL SUNDAYS DURING THE CALENDAR YEAR IF THE HOLDER PAYS A LICENSE FEE OF \$75 AT LEAST 2 WEEKS BEFORE EACH TIME THE PRIVILEGE IS EXERCISED.

(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.

(2) IN THE 47TH ALCOHOLIC BEVERAGES DISTRICT IN THE CITY, THE HOURS FOR SALES OF BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION UNDER A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE IN A RESTAURANT ARE AS PROVIDED IN § 12-903(D) OF THIS TITLE.

(3) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE AND § 12-903(D) OF THIS TITLE, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS B-D-7 BEER, WINE, AND LIQUOR LICENSE.

EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS B-D-7 BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(1) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

(2) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.

(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.

(2) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE AND § 12-903 OF THIS TITLE, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(E) CLASS D BEER, WINE, AND LIQUOR AMUSEMENT PERMIT.

A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR AMUSEMENT PERMIT MAY SELL ALL ALCOHOLIC BEVERAGES AT ALL HOURS EXCEPT BETWEEN 2 A.M. AND 6 A.M. EACH DAY.

(F) CLASS D BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY:

(I) FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

(II) FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND § 12-2007(B) OF THIS SUBTITLE, THE LICENSE HOLDER MAY NOT EXERCISE THE PRIVILEGES OF THE LICENSE WITHOUT AN AMUSEMENT PERMIT FROM 1 A.M. ON SUNDAY TO 6 A.M. THE FOLLOWING DAY.

(3) (I) THE BOARD MAY ISSUE A SUPPLEMENTAL LICENSE NOT MORE THAN FOUR TIMES DURING A CALENDAR YEAR TO THE LICENSE HOLDER AUTHORIZING THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FROM 6 A.M. ON SUNDAY TO 1 A.M. THE FOLLOWING DAY.

(II) THE FEE FOR THE SUPPLEMENTAL LICENSE IS \$75 PER ISSUANCE AND IS IN ADDITION TO THE ANNUAL FEE FOR THE UNDERLYING CLASS D BEER, WINE, AND LIQUOR LICENSE.

(III) A HOLDER OF A SUPPLEMENTAL LICENSE SHALL NOTIFY THE BOARD AT LEAST 2 WEEKS IN ADVANCE OF EXERCISING THE PRIVILEGES UNDER THE SUPPLEMENTAL LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-503, 8-203(d)(3), 11-303(a)(1) and (2)(ii), (b)(1), (4), and (5), (c)(1), (d)(1) and (2), and (g), and 11-403(a)(3).

In subsections (b)(3), (d)(2), and (f)(3)(i) of this section, the references to the sale of "beer, wine, and liquor" are substituted for the former references to the sale of "alcoholic beverages" for clarity.

In subsection (f)(2) of this section, the prohibition against a license holder "exercis[ing] the privileges of the license" during certain hours is substituted for the former prohibition against "sales" of alcoholic beverages during certain hours for clarity and consistency within this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(2) of this section refers to the "47th alcoholic beverages district" [which coincides with the 47th legislative district]. However, there is no longer a 47th legislative district in Baltimore City.

Defined terms: "Beer" § 1-101

"Board" § 12-101

"City" § 12-101

"License" § 1-101

"License holder" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

12-2005. RESTRICTIONS OF HOURS AND DAYS FOR CONSUMPTION AND SALE.

(A) BY COURT ORDER.

(1) IN RESPONSE TO A COMPLAINT, THE BOARD MAY PETITION THE CIRCUIT COURT FOR A TEMPORARY ORDER THAT, ON A LICENSE HOLDER'S PREMISES, LIMITS THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF:

(I) BEER;

(II) BEER AND LIGHT WINE; OR

(III) BEER, WINE, AND LIQUOR.

(2) THE COURT MAY ISSUE THE ORDER IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THE ACTIVITIES ARISING FROM THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES HAVE RESULTED IN AN EXTREME AND CONTINUING DISTURBANCE TO A RESIDENTIAL COMMUNITY;

(II) THE LICENSE HOLDER HAS FAILED TO EXERCISE GOOD FAITH IN ATTEMPTING TO REMEDY THE DISTURBANCE AT THE REQUEST OR ORDER OF THE BOARD; AND

(III) THE BOARD HAS BEEN UNABLE TO PROVIDE RELIEF TO THE RESIDENTIAL COMMUNITY BY EXERCISING ITS AUTHORITY TO SUSPEND THE LICENSE OR REPRIMAND THE LICENSE HOLDER.

(3) THE DURATION OF THE ORDER MAY NOT EXCEED THE DURATION OF THE LICENSE TERM.

(4) THE ORDER SHALL BE STAYED PENDING APPEAL FROM THE ORDER.

(5) THIS SECTION DOES NOT LIMIT ANY OTHER POWERS OF THE BOARD.

(B) BY BOARD REGULATION.

(1) THIS SECTION APPLIES ONLY IN THE CITY ON THE INNER PERIMETER OF A RECTANGLE BOUNDED BY 31ST STREET ON THE SOUTH, GREENMOUNT AVENUE ON THE EAST, 32ND STREET ON THE NORTH, AND BARCLAY STREET ON THE WEST.

(2) BY REGULATION, THE BOARD MAY RESTRICT THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF:

(I) BEER;

(II) BEER AND LIGHT WINE; OR

(III) BEER, WINE, AND LIQUOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–301(g) and (h), 11–302(h) and (i), and 11–303(e) and (f).

In subsection (a)(2)(i) of this section, the reference to “alcoholic beverages” is substituted for the former references to “beer and light wine” and “beer, wine, and liquor” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (b) of this section may be misleading. The subsection allows the Board to restrict the hours and days of sale by regulation. However, the Board must get court approval to do so.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“City” § 12–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

12–2006. HOURS ON JANUARY 1.

A HOLDER OF A LICENSE THAT ALLOWS SALES OF ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION MAY NOT BE REQUIRED TO CLOSE THE LICENSED PREMISES AT ANY TIME ON JANUARY 1.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(d)(2).

The reference to a license “that allows sales of alcoholic beverages for on–premises consumption” is added in light of former Art. 2B, § 11–304(d)(1), which renders the subsection inapplicable to premises conducted on New Year's Day for on–sale licenses.

The former reference to January 1 “of any year” is deleted as surplusage.

The former language that authorized the license holder to sell alcoholic beverages that are authorized by the license at any time on January 1 is deleted as implicit in the prohibition against requiring a license holder to close the licensed premises at any time on January 1.

Former Art. 2B, § 11–402(d)(1), which stated that former Art. 2B, § 11–402(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage”

“License” § 1–101

12–2007. AFTER-HOURS ACTIVITY PROHIBITED IN LICENSED PREMISES; EXEMPTIONS.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSED PREMISES SHALL END ALL OPERATIONS, INCLUDING THE SERVING OF ALCOHOLIC BEVERAGES AND FOOD AND PROVIDING ENTERTAINMENT, AT THE CLOSING HOUR FOR THAT CLASS OF LICENSED PREMISES SPECIFIED IN THIS TITLE.

(B) EXEMPTIONS.

(1) THE BOARD MAY GRANT AN EXEMPTION FOR REMAINING OPEN AFTER HOURS TO:

(I) A HOLDER OF A CLASS B RESTAURANT LICENSE, ONLY FOR SERVING FOOD TO PATRONS SEATED FOR DINING;

(II) A PHARMACY THAT FILLS PRESCRIPTIONS; OR

(III) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE THAT OPERATES A RESTAURANT, IF:

1. IT IS USED ONLY FOR SERVING FOOD TO PATRONS SEATED IN A DINING ROOM THAT IS NOT ADJACENT TO A BAR; AND

2. THE RESTAURANT IS LOCATED IN THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.

(2) A PHARMACY THAT RECEIVES AN EXEMPTION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY ALSO SELL PRODUCTS OTHER THAN ALCOHOL AFTER NORMAL CLOSING HOURS.

(3) A HOTEL THAT HOLDS A CLASS B LICENSE AND THAT SERVES FOOD TO SEATED CUSTOMERS OR FOR PRIVATE FUNCTIONS OR GUEST ROOMS MAY CONTINUE TO PROVIDE FOOD SERVICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(d)(2) through (5).

Former Art. 2B, § 11–304(d)(1), which stated that “[e]xcept as provided in this subsection [former Art. 2B, § 11–304 did] not apply to premises conducted on New Year’s Day by on-sale licensee in Baltimore City”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“Restaurant” § 1–101

“Wine” § 1–101

12–2008. REGISTRATION REQUIRED.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO AN OWNER, AN OPERATOR, OR A MANAGER OF ANY PREMISES OPEN TO THE PUBLIC OR OF A PLACE OF PUBLIC ACCOMMODATION WHERE:

(1) A FORM OF ENTERTAINMENT IS PROVIDED FROM 2 A.M. TO 6 A.M. ON ANY DAY; AND

(2) ALCOHOLIC BEVERAGES ARE CONSUMED AT ANY HOUR OF THE DAY.

(B) IN GENERAL.

A PERSON SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) REGISTER WITH THE FIRE DEPARTMENT AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

(2) COMPLY WITH ALL FEDERAL, STATE, AND CITY BUILDING, FIRE, HEALTH, AND ZONING LAWS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–305(d).

Defined terms: “Alcoholic beverage” § 1–101

“City” § 12–101

“Person” § 1–101

“State” § 1–101

SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.

12–2101. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND**
- (3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”).**

(B) EXCEPTION.

SECTION 4–605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12–2102 OF THIS SUBTITLE.

(C) VARIATION.

SECTION 4–606 (“EFFECTS OF REVOCATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12–2104 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “City” § 12–101

“License” § 1–101

“Local licensing board” § 1–101

12–2102. NUDITY AND SEXUAL DISPLAYS.

(A) “ADULT ENTERTAINMENT” DEFINED.

IN THIS SECTION, “ADULT ENTERTAINMENT” MEANS:

(1) THE EMPLOYMENT OR USE OF AN INDIVIDUAL IN THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES WHILE THE

INDIVIDUAL IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING SO AS TO EXPOSE TO VIEW ANY PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE AREOLA OR OF ANY PORTION OF THE PUBIC HAIR, ANUS, CLEFT OF THE BUTTOCKS, VULVA, OR GENITALS;

(2) THE EMPLOYMENT OR USE OF THE SERVICES OF A HOSTESS OR OTHER INDIVIDUAL TO MINGLE WITH THE PATRONS WHILE THE HOSTESS OR OTHER INDIVIDUAL IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING DESCRIBED IN ITEM (1) OF THIS SUBSECTION;

(3) THE ENCOURAGEMENT OF OR ALLOWING AN INDIVIDUAL ON THE LICENSED PREMISES TO CARESS OR FONDLE THE BREASTS, BUTTOCKS, ANUS, OR GENITALS OF ANY OTHER INDIVIDUAL; OR

(4) ALLOWING AN EMPLOYEE OR OTHER INDIVIDUAL TO WEAR OR USE A DEVICE OR COVERING EXPOSED TO VIEW THAT SIMULATES ANY PORTION OF THE BREAST, GENITALS, ANUS, OR PUBIC HAIR;

(5) WITH RESPECT TO ENTERTAINMENT PROVIDED:

(I) ALLOWING AN INDIVIDUAL TO PERFORM AN ACT OF OR ACT THAT SIMULATES:

1. SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS PROHIBITED BY LAW;

2. THE CARESSING OR FONDLING OF THE BREAST, BUTTOCKS, ANUS, OR GENITALS; OR

3. THE DISPLAY OF THE PUBIC HAIR, ANUS, VULVA, OR GENITALS;

(II) SUBJECT TO ITEM (I) OF THIS ITEM, ALLOWING AN ENTERTAINER WHOSE BREASTS OR BUTTOCKS ARE EXPOSED TO PERFORM CLOSER THAN 6 FEET FROM THE NEAREST PATRON; OR

(III) ALLOWING AN INDIVIDUAL TO USE AN ARTIFICIAL DEVICE OR INANIMATE OBJECT TO DEPICT, PERFORM, OR SIMULATE AN ACTIVITY PROHIBITED UNDER ITEM (I) OF THIS ITEM; OR

(6) SHOW A MOTION PICTURE, STILL PICTURE, ELECTRONIC REPRODUCTION, OR OTHER VISUAL REPRODUCTION DEPICTING:

(I) AN ACT OR SIMULATED ACT OF SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS PROHIBITED BY LAW;

(II) AN INDIVIDUAL BEING CARESSED OR FONDLED ON THE BREAST, BUTTOCKS, ANUS, OR GENITALS;

(III) A SCENE IN WHICH AN INDIVIDUAL DISPLAYS THE VULVA, ANUS, OR GENITALS; OR

(IV) A SCENE IN WHICH AN ARTIFICIAL DEVICE OR INANIMATE OBJECT IS USED TO DEPICT, OR A DRAWING IS USED TO PORTRAY, A PROHIBITED ACT DESCRIBED IN THIS SUBSECTION.

(B) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A LICENSE HOLDER THAT:

(1) OFFERED ADULT ENTERTAINMENT AS OF MAY 31, 1993, OR THE TRANSFEREE OF THE LICENSE FOR THE SAME PREMISES IF THE TRANSFEREE CONTINUES TO OFFER ADULT ENTERTAINMENT; OR

(2) OPERATES A THEATER, A CONCERT HALL, AN ART CENTER, A MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS PRIMARILY DEVOTED TO THE ARTS OR THEATRICAL PERFORMANCES, WHEN THE PERFORMANCES PRESENTED EXPRESS MATTERS OF SERIOUS LITERARY, ARTISTIC, SCIENTIFIC, OR POLITICAL VALUE.

(C) PROHIBITED.

THE BOARD MAY NOT AUTHORIZE AND A LICENSE HOLDER MAY NOT ALLOW ADULT ENTERTAINMENT ON THE LICENSED PREMISES OR ON ADJACENT PROPERTY OVER WHICH THE LICENSE HOLDER HAS OWNERSHIP OR CONTROL.

(D) ENFORCEMENT.

THE MAYOR AND CITY COUNCIL MAY AUTHORIZE THE BOARD TO ENFORCE THE LAWS AND REGULATIONS OF THE CITY THAT GOVERN ADULT ENTERTAINMENT BUSINESS LICENSES.

(E) PENALTY.

ON FINDING THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE BOARD SHALL REVOKE OR SUSPEND THE LICENSE OR IMPOSE A FINE OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 12–203 and 12–203.1.

Throughout this section, the references to an “individual” are substituted for the former references to a “person” because this section concerns only human beings.

In the introductory language of subsection (a) of this section, the former phrase “[w]ith respect to attire and conduct” is deleted as surplusage.

In subsection (a)(6) of this section, the former reference to “exhibit[ing]” is deleted as included in the reference to “show[ing]”.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“City” § 12–101

“License” § 1–101

“License holder” § 1–101

12–2103. CERTIFICATE OF PAYMENT OF TAXES.

(A) SUSPENSION FOR FAILURE TO PROVIDE CERTIFICATE.

THE BOARD SHALL IMMEDIATELY SUSPEND WITHOUT A HEARING THE RENEWAL LICENSE OF A LICENSE HOLDER THAT FAILS TO PRESENT TO THE BOARD BY JUNE 30 ANNUALLY A CERTIFICATE ISSUED BY THE DIRECTOR OF FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE TO THE CITY OR STATE ARE PAID.

(B) REINSTATEMENT ON PRESENTATION OF CERTIFICATE.

THE BOARD SHALL IMMEDIATELY REINSTATE A LICENSE SUSPENDED UNDER THIS SECTION WITHOUT A HEARING ON PRESENTATION OF THE REQUIRED CERTIFICATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(j)(1).

In subsection (a) of this section, the reference to suspending the license of a person “that fails” to provide specified documentation is substituted for the former reference to license suspension “unless” the person provides the documentation for clarity.

Also in subsection (a) of this section, the reference to providing documentation by June 30 “annually” is substituted for the former reference to providing documentation by June 30 “of the respective year” for clarity and consistency within this revision.

Also in subsection (a) of this section, the reference to showing that “all personal property taxes ... are paid” is substituted for the former reference to showing that “there are no unpaid taxes on the merchandise, fixtures and stock of the applicant” for clarity and brevity.

Defined terms: “Board” § 12–101

“City” § 12–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

12–2104. ORDER OF REVOCATION IN EFFECT UNTIL STAY OR REVERSAL.

A PERSON WHOSE LICENSE HAS BEEN REVOKED BY THE BOARD MAY NOT GIVE, SERVE, OR KEEP ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED UNTIL:

(1) THE COURT GRANTS A STAY OF THE ORDER OF REVOCATION IN ACCORDANCE WITH § 12–2402 OF THIS TITLE; OR

(2) THE ORDER OF REVOCATION IS REVERSED ON JUDICIAL REVIEW.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–103.

In the introductory language of this section, the former reference to “dispense” is deleted as included in the reference to “serve”.

In item (1) of this section, the reference to a stay “of the order of revocation” is added for clarity.

Also in item (1) of this section, the reference to “the court” is added for clarity.

In item (2) of this section, the reference to a “judicial review”, which describes the exercise of the power of a court to examine the decision of an administrative agency, is substituted for the former improper reference to an “appeal”, which describes the request to a higher court to review the judgment of a lower court.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

“Person” § 1–101

SUBTITLE 22. EXPIRATION OF LICENSES.

12–2201. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

SECTION 4–702(A) (“ON DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:

(1) § 4–702(B) (“AFTER VACATION OF OR EVICTION FROM PREMISES”);

(2) § 4–703 (“PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS”);

(3) § 4–704 (“LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE”);
AND

(4) § 4–705 (“POSTPONEMENT TO AVOID HARDSHIP”).

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “City” § 12–101

“License” § 1–101

“License holder” § 1–101

12–2202. PERIOD FOR WHICH LICENSE MAY BE CONSIDERED UNEXPIRED.

(A) 180–DAY RULE.

A LICENSE EXPIRES 180 DAYS AFTER THE LICENSE HOLDER HAS CLOSED THE BUSINESS OR STOPPED ACTIVE ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD UNLESS:

(1) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING;

(2) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 23 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING; OR

(3) A WRITTEN REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION IS FILED WITHIN THE 180-DAY PERIOD.

(B) APPLICATION FOR HARDSHIP EXTENSION.

(1) THE LICENSE HOLDER OR ANOTHER APPROPRIATE INTERESTED PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD TO EXTEND THE LIFE OF THE LICENSE DUE TO HARDSHIP.

(2) THE BOARD MAY GRANT THE EXTENSION IF THE BOARD FINDS AFTER A HEARING THAT EXISTING HARDSHIP CAUSED THE CLOSING OR STOPPING OF BUSINESS OPERATIONS.

(3) AN EXTENSION MAY NOT PROLONG THE LIFE OF THE LICENSE BEYOND 360 DAYS AFTER THE DATE OF CLOSING OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD.

(C) START AND RESTART OF UNEXPIRED PERIOD.

(1) THE PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED UNEXPIRED:

(I) BEGINS AT THE EARLIER OF THE CLOSING OF THE BUSINESS OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS; AND

(II) MAY BE SUSPENDED ONLY BY FILING AN APPLICATION OR REQUEST UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE EXPIRATION PERIOD RESUMES ON THE LAST TO OCCUR OF THE FOLLOWING EVENTS:

(I) FINAL ACTION OF THE BOARD GRANTING OR DENYING A REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION;

(II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION DESCRIBED IN SUBSECTION (A)(1) OR (2) OF THIS SECTION;

(III) FINAL JUDGMENT OF THE REVIEWING COURT IF JUDICIAL REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY SUBSECTION (A) OR (B) OF THIS SECTION HAS BEEN GRANTED; OR

(IV) DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF THE BOARD'S ACTION.

(3) IF AN APPLICATION OR REQUEST DESCRIBED IN SUBSECTION (A) OR (B) OF THIS SECTION IS WITHDRAWN:

(I) THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE MAY NOT BE SUSPENDED; AND

(II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED AS IF IT HAD NOT BEEN FILED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–504(d)(2) through (4), (6), and the second sentence of (5).

In the introductory language of subsection (a) and in subsection (b)(3) of this section, the references to stopping alcoholic beverages business operations “at the premises” for which the license is held are substituted for the former references to ceasing alcoholic beverages business operations “of the business” for which the license is held to conform to terminology used throughout this article.

In subsection (a)(2) of this section, the reference to “a certificate of permission or a renewal license for continuation of business” is added for clarity.

In subsection (b)(1) and (2) of this section, the former references to “undue” hardship are deleted as surplusage.

In subsection (b)(3) of this section, the requirement that an extension does not “prolong the life of the license beyond 360 days” after the closing or stopping of business operations is substituted for the former reference to a request for an extension “for a time period of no more than a cumulative period of 360 days” after the closing or stopping of business for brevity.

In the introductory language of subsection (c)(1) of this section, the reference to the period “for which a license may be considered unexpired” is added for clarity.

Also in the introductory language of subsection (c)(1) of this section, the former reference to a “time” period is deleted as surplusage.

In subsection (c)(1)(ii) and (3)(i) of this section, the references to a period that may or may not be “suspended” are substituted for the former references to a period that may or may not be “toll[ed]” for clarity.

In the introductory language of subsection (c)(2) of this section, the former phrase “cumulatively to the time period before the filing of the application or request” is deleted as implicit in the word “resumes”.

In subsection (c)(2)(iii) of this section, the reference to judicial review being “granted” is substituted for the former reference to judicial review being “sought” for accuracy in light of subsection (c)(2)(iv) of this section that relates to “dismissal” of a petition for judicial review.

Former Art. 2B, § 10–504(d)(1)(i), which stated that former Art. 2B, § 10–504(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–504(d)(1)(ii), which defined “Board” to mean the Board of License Commissioners for Baltimore City or the Office of the Comptroller, whichever is the issuing party, is deleted in light of the term “Board” that is defined in § 12–101 of this title.

The first sentence of former Art. 2B, § 10–504(d)(5), which stated the intent for the total period of time for which a license may be deemed unexpired, is deleted as unnecessary in light of subsections (a) and (b) of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

12–2203. REOPENING AFTER CLOSURE FOR AT LEAST 3 MONTHS.

EXCEPT WHERE EXTENUATING CIRCUMSTANCES EXIST, BEFORE A LICENSED PREMISES THAT HAS BEEN CLOSED FOR AT LEAST 3 CONSECUTIVE MONTHS MAY BE REOPENED:

(1) THE BOARD SHALL HOLD A PUBLIC HEARING; AND

(2) THE LICENSE HOLDER SHALL OBTAIN APPROVAL FROM THE BOARD TO REOPEN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(j)(4).

The former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101
“License holder” § 1–101

SUBTITLE 23. DEATH OF LICENSE HOLDER.

12–2301. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);

(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);

(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND

(4) § 4–806 (“REFUND”).

(B) VARIATION.

SECTION 4–803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12–2302 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “City” § 12–101
“License” § 1–101
“License holder” § 1–101

12-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.

(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.

(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:

(I) THE SURVIVING SPOUSE;

(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR

(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.

(2) THE NEW LICENSE SHALL BE ISSUED:

(I) FOR THE BALANCE OF THE LICENSE YEAR; AND

(II) WITHOUT FURTHER PROCEEDINGS.

(B) RENEWAL LICENSE.

A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:

(1) THE SURVIVING SPOUSE;

(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR

(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(b)(3).

In the introductory language of subsection (a)(1) of this section, the former phrase "[n]otwithstanding any provisions to the contrary in this article" is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

SUBTITLE 24. JUDICIAL REVIEW.

12–2401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–902 (“JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING BOARD”);

(2) § 4–903 (“PETITIONERS”);

(3) § 4–905 (“SCOPE OF JUDICIAL REVIEW”);

(4) § 4–906 (“REPRESENTATION OF LOCAL LICENSING BOARD”);

(5) § 4–907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”);

AND

(6) § 4–908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT OF APPEALS”).

(B) VARIATION.

SECTION 4–904 (“STAY OF LOCAL BOARD’S PETITION”) APPLIES IN THE COUNTY, SUBJECT TO § 12–2402 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined terms: “City” § 12–101

“Local licensing board” § 1–101

12–2402. STAY OF ORDER TO REVOKE LICENSE.

AN ORDER BY THE BOARD TO REVOKE A LICENSE MAY BE STAYED, PENDING JUDICIAL REVIEW, ONLY BY THE COURT WITH WHICH A PETITION UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE HAS BEEN FILED.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(c)(2).

The references to “judicial review” and “petition” are substituted for the former incorrect references to “appeal” to reflect that this section concerns the judicial review of an administration agency – a board of license commissioners – and not a court.

Defined terms: “Board” § 12–101

“License” § 1–101

12–2403. COURT MAY REMAND.

IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE CITY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(ii)2.

The reference to the “circuit court for the City” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 12–101
“City” § 12–101

SUBTITLE 25. UNLICENSED ESTABLISHMENTS.

12–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.

(A) SCOPE OF SECTION.

THIS SUBSECTION APPLIES TO AN ESTABLISHMENT THAT IS NOT LICENSED BY THE BOARD BUT THAT IS:

(1) OPEN TO THE PUBLIC;

(2) A PLACE OF PUBLIC ENTERTAINMENT; OR

(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.

(B) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN ESTABLISHMENT THAT IS NOT LICENSED BY THE BOARD, AT A LOCATION UNDER CONTROL OR POSSESSION OF THE ESTABLISHMENT, MAY NOT:

(1) SERVE OR KEEP ALCOHOLIC BEVERAGES; OR

(2) ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED.

(C) EXCEPTION FOR RESTAURANTS WITH MAXIMUM SEATING CAPACITY OF 50.

A RESTAURANT THAT IS NOT LICENSED BY THE BOARD MAY ALLOW A CUSTOMER TO CONSUME ALCOHOLIC BEVERAGES FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IF:

(1) THE ALCOHOLIC BEVERAGES ARE BROUGHT TO THE RESTAURANT BY THE CUSTOMER;

(2) THE ALCOHOLIC BEVERAGES ARE CONSUMED WITH A MEAL;

(3) THERE IS NO CHARGE FOR ADMISSION TO THE RESTAURANT; AND

(4) THE BALTIMORE CITY FIRE DEPARTMENT DETERMINES THAT THE MAXIMUM SEATING CAPACITY OF THE RESTAURANT IS 50.

(D) CLOSING BY POLICE.

(1) THE BALTIMORE CITY POLICE DEPARTMENT MAY IMMEDIATELY CLOSE ALL OPERATIONS OF AN ESTABLISHMENT IF THE DEPARTMENT DETERMINES THAT THE ESTABLISHMENT IS IN VIOLATION OF THIS SECTION AND THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.

(2) THE ESTABLISHMENT SHALL BE CLOSED UNTIL THE BALTIMORE CITY POLICE DEPARTMENT DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE HAS BEEN RESTORED.

(3) THE OWNER OR OPERATOR OF THE ESTABLISHMENT SHALL BE GIVEN AN OPPORTUNITY TO REQUEST A PROMPT HEARING IN CIRCUIT COURT ON WHEN THE ESTABLISHMENT MAY REOPEN.

(E) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–102(b) through (e).

Subsection (a)(1) through (3) of this section is new language added to clarify the vague reference to an “establishment”.

In the introductory language of subsection (b) of this section, the reference to a “location” under control or possession of an establishment is substituted for the former reference to “premises” under the control or possession of an establishment for clarity.

In subsection (b)(1) of this section, the former references to “giv[ing]” and “dispens[ing]” alcoholic beverages are deleted as included in the reference to “serv[ing]” alcoholic beverages.

In the introductory language of subsection (c) of this section, the reference to a “customer” is substituted for the former references to “patrons” to conform to the terminology used throughout this subtitle.

Former Art. 2B, § 20–102(a), which provided that former Art. 2B, § 20–102 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

12–2502. CONSUMING ALCOHOLIC BEVERAGES.

(A) PROHIBITION FROM 2 A.M. TO 6 A.M.

(1) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION OR OTHERWISE PROVIDED BY LAW, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES:

(I) IN AN ESTABLISHMENT OPEN TO THE PUBLIC;

(II) IN A PLACE OF PUBLIC ACCOMMODATION; OR

(III) IN A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS ARE SOLD.

(2) THE PROHIBITION AGAINST CONSUMPTION IN PARAGRAPH (1) OF THIS SUBSECTION IS IN EFFECT IF ANY FORM OF ENTERTAINMENT, LIVE OR RECORDED, IS OFFERED AT THE PLACE OR AT THE ESTABLISHMENT, REGARDLESS OF WHETHER THE ESTABLISHMENT OR PLACE IS LICENSED UNDER THIS ARTICLE OR OTHER STATE LAW.

(B) EXCEPTION.

BY REGULATION, THE BOARD MAY RESTRICT THE HOURS AND DAYS FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE INNER PERIMETER OF A RECTANGLE BOUNDED BY 31ST STREET ON THE SOUTH, GREENMOUNT AVENUE ON THE EAST, 32ND STREET ON THE NORTH, AND BARCLAY STREET ON THE WEST.

(C) PROHIBITION AGAINST OWNER OR MANAGER.

THE OWNER OR MANAGER OF THE ESTABLISHMENT OR PLACE MAY NOT KNOWINGLY ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES THAT IS PROHIBITED BY THIS SECTION.

(D) PENALTY.

AN INDIVIDUAL WHO CONSUMES ALCOHOLIC BEVERAGES AT AN ESTABLISHMENT DESCRIBED IN THIS SECTION OR AN OWNER OR A MANAGER OF THE ESTABLISHMENT WHO KNOWINGLY ALLOWS THE CONSUMPTION PROHIBITED BY THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–305(b), (c), and (e).

In subsection (a)(1) of this section, the former reference to a “regulation adopted under the authority of paragraph (2) of this subsection” is deleted as included in the reference to a “law.”

In subsection (a)(1)(i) of this section, the reference to an “establishment” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

Also in subsection (a)(1)(i) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (c) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

Former Art. 2B, § 11–305(a), which provided that former Art. 2B, § 11–305 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101
“State” § 1–101

SUBTITLE 26. ENFORCEMENT.

12–2601. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–205 (“PEACE OFFICERS”);**
- (4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (7) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**
- (8) § 6–211 (“FINES AND FORFEITURES”).**

(B) EXCEPTION.

SECTION 6–210 (STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12–2602 OF THIS SUBTITLE.

(C) VARIATION.

SECTION 6–204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, IN ADDITION TO § 12–2603 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1–101

“City” § 12–101

“State” § 1–101

12-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**THE CITY MAY:**

(1) ADOPT AN ORDINANCE OR A RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS ARTICLE; AND

(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-103(a)(2).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6-320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1-101
“City” § 12-101

12-2603. SERVICE OF SUMMONS.

THE CITY POLICE DEPARTMENT OR AN INSPECTOR THAT THE BOARD EMPLOYS MAY SERVE A SUMMONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-410(a)(4) and (b)(2)(i)3.

The reference to the “City Police Department” is substituted for the former term “sheriff” for clarity. “Sheriff” was defined in part to mean the Baltimore City Police Department.

Defined terms: “Board” § 12-101
“City” § 12-101

12-2604. AUTHORITY OF BOARD TO SUBPOENA RECORDS.

(A) IN GENERAL.

THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.

(B) REFUSAL TO COMPLY WITH SUBPOENA.

(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.

(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.

(C) FEES AND COSTS.

(1) THE BOARD MAY CHARGE FEES FOR THE PRODUCTION AND SERVICE OF A SUMMONS AND HEARING NOTICE.

(2) THE FEES ARE:

(I) \$25, FOR THE PRODUCTION OF HEARING NOTICES OR SUMMONSES REQUESTED BY PARTIES APPEARING BEFORE THE BOARD;

(II) \$5, FOR EACH ADDRESS SERVED IF THE ADDRESS IS PROVIDED TO THE BOARD AND THE SERVICE IS BY MAIL; AND

(III) \$25, FOR EACH ADDRESS SERVED IF THE SERVICE IS PERFORMED BY AN EMPLOYEE OF THE BOARD.

(3) IN ADDITION TO ANY OTHER FINE, PENALTY, OR COST, THE BOARD MAY IMPOSE A \$100 ADMINISTRATIVE HEARING FEE ON A LICENSE HOLDER:

(I) WHOM THE BOARD CHARGES WITH A VIOLATION OF LAW CONCERNING THE SALE OF ALCOHOLIC BEVERAGES; OR

(II) WHO REQUESTS A TRANSFER OR EXPANSION OF THE LICENSE OR A NEW LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(ii), (2), and (3) and (e)(2) and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

In subsection (c)(3)(i) of this section, the former reference to a “statute, rule, or regulation” is deleted as included in the reference to a “law”.

Former Art. 2B, § 16–410(e)(1), which stated that former Art. 2B, § 16–410(e) applied only to Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

“License holder” § 1–101

SUBTITLE 27. PROHIBITED ACTS.

12–2701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**
- (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**
- (3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

- (5) § 6-310 (“PROVIDING FREE FOOD”);
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (17) § 6-327 (“TAX EVASION”);
- (18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (19) § 6-329 (“PERJURY”).

(B) EXCEPTION.

SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 12–2702 OF THIS SUBTITLE; AND

(2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 12–2703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1–101

“City” § 12–101

“License holder” § 1–101

“Retail dealer” § 1–101

12–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–304 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

(B) DUE CAUTION STANDARD FOR NONRESIDENTS.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6–304 OF THIS ARTICLE IF:

(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE

USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND

(2) THE INDIVIDUAL IS NOT A RESIDENT OF THE STATE.

(C) BAR TO ADMINISTRATIVE ACTION.

THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(ii) and (iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “finder of fact” is substituted for the former reference to the “jury or the court sitting as a jury” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted as surplusage.

In subsection (c) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (c) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“License holder” § 1–101

“State” § 1–101

12–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

(B) BAR TO ADMINISTRATIVE ACTION.

THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (b) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“License holder” § 1–101

“State” § 1–101

12–2704. FALSE ADVERTISING PROHIBITED.

(A) IN GENERAL.

(1) A LICENSE HOLDER MAY NOT USE AN ADVERTISEMENT THAT IS UNTRUE, DECEPTIVE, OR MISLEADING IN A MATERIAL RESPECT, INCLUDING AN ADVERTISEMENT ON THE INTERNET CONTAINING AN AFFIRMATIVE REPRESENTATION THAT THE LICENSE HOLDER MAY OFFER FOR SALE ALCOHOLIC BEVERAGES THAT THE LICENSE HOLDER IS NOT AUTHORIZED TO SELL.

(2) THE BOARD SHALL ENFORCE THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21–105(d) and (e).

In subsection (a)(1) of this section, the elements of the former defined term “advertise falsely” are revised as part of the substantive provision.

Also in subsection (a)(1) of this section, the former reference to the “placement of” an advertisement on the Internet is deleted as surplusage.

Also in subsection (a)(1) of this section, the former phrase “in the conduct of any business” is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to “a container of” alcoholic beverages is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License holder” § 1–101

“Person” § 1–101

12–2705. GIFTS TO BOARD MEMBER OR BOARD EMPLOYEE PROHIBITED.

A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES, AN AGENT OR EMPLOYEE OF THE PERSON, AND A LICENSE HOLDER MAY NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:

(1) A MEMBER OF THE BOARD;

(2) AN EMPLOYEE OF THE BOARD; OR

(3) ANYONE ON BEHALF OF THE MEMBER OR EMPLOYEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(d)(7)(ii).

In the introductory language of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in the introductory language of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

Also in the introductory language of this section, the defined term “license holder” is substituted for the former reference to a “licensee licensed under the provisions of this article” for brevity and consistency throughout this article.

Also in the introductory language of this section, the reference to offering or making “payment” is substituted for the former reference to offering or making “any commission, profit or remuneration” for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License holder” § 1–101

“Person” § 1–101

12–2706. RENTING OF CERTAIN PREMISES IN 45TH DISTRICT PROHIBITED.

(A) IN GENERAL.

IN THE 45TH LEGISLATIVE DISTRICT, A LANDLORD MAY NOT RENT OUT TO A CLASS A LICENSE HOLDER A PREMISES TO BE USED FOR THE SALE OF ALCOHOLIC BEVERAGES IF THE LANDLORD KNOWS OR SHOULD HAVE KNOWN THAT THE SALE OF ALCOHOLIC BEVERAGES ON THE PREMISES WOULD VIOLATE A MINIMUM DISTANCE REQUIRED TO BE MAINTAINED UNDER THIS ARTICLE BETWEEN A LICENSED PREMISES AND A PLACE OF WORSHIP OR SCHOOL.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–509.1.

In subsection (a) of this section, the reference to a “Class A license holder” is substituted for the former reference to a “holder of a Class A alcoholic beverages license of any type” for brevity.

Also in subsection (a) of this section, the phrase “should have known” is substituted for the former phrase “has reason to know” to conform to terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Person” § 1–101

SUBTITLE 28. PENALTIES.

12–2801. APPLICATION OF GENERAL PROVISION.

SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “City” § 12–101

12–2802. PENALTY IMPOSED BY BOARD.

(A) IN GENERAL.

FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION OF A LICENSE, THE BOARD MAY:

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR A FIRST OFFENSE, IMPOSE A FINE NOT EXCEEDING \$500 OR SUSPEND THE LICENSE OR BOTH; OR

(2) FOR EACH SUBSEQUENT OFFENSE, IMPOSE A FINE NOT EXCEEDING \$3,000 OR SUSPEND THE LICENSE OR BOTH.

(B) UNDERAGE SALES.

FOR A FIRST OFFENSE OF SELLING ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS, THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$1,000 OR SUSPEND THE LICENSE OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(d).

In subsection (a)(1) of this section, the former phrase “under the alcoholic beverage laws affecting Baltimore City” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

TITLE 13. BALTIMORE COUNTY.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

13–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE:

(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND

(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

(B) BOARD.

“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE COUNTY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Baltimore County”.

(C) COUNTY.

“COUNTY” MEANS BALTIMORE COUNTY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Baltimore County”.

13–102. SCOPE OF TITLE.

THIS TITLE APPLIES ONLY IN BALTIMORE COUNTY.

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

13-103. COPY OF LEGISLATION.

A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to this "title" is substituted for the former reference to this "subtitle" to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: "Alcoholic beverage" § 1-101
"County" § 13-101

GENERAL REVISOR'S NOTE TO SUBTITLE

Throughout this title, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4-101(e), which defined "light wine" in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**13-201. ESTABLISHED.**

THERE IS A BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE COUNTY.

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Baltimore County exists.

The name “Board of License Commissioners for Baltimore County” is used instead of the commonly used name “Baltimore County Board of Liquor License Commissioners” for clarity and consistency with the terminology used throughout this article to refer to local licensing boards.

13–202. MEMBERSHIP.

(A) COMPOSITION; APPOINTMENT OF MEMBERS.

THE COUNTY EXECUTIVE SHALL APPOINT THREE MEMBERS TO THE BOARD.

(B) TENURE.

(1) THE TERM OF A MEMBER IS 2 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.

(C) REMOVAL.

THE COUNTY EXECUTIVE MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15–104(e) and the first sentence of § 15–110(b).

In subsection (a) of this section, the reference to “members” is substituted for the former reference to “persons” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former reference to members “constitut[ing]” the Board “of License Commissioners for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the requirement that the County Executive appoint “biennially” three persons to the Board is deleted as included in the requirement that the terms of the members of the Board be staggered as required on July 1, 2016. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Baltimore County.

In subsection (c) of this section, the reference to the “County Executive” is substituted for the former reference to the “board of county commissioners” for accuracy.

Also in subsection (c) of this section, the reference to “misconduct in office, incompetence, or willful neglect of duty” is substituted for the former reference to “the causes in this section prescribed” for clarity.

Also in subsection (c) of this section, the former reference to a member “of any board of license commissioners appointed by them” is deleted as surplusage.

Former Art. 2B, § 15–101(e), which provided that the provisions of former Art. 2B, § 15–104 apply in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 13–101

“County” § 13–101

13–203. SUBSTITUTE MEMBERS.

(A) APPOINTMENT BY COUNTY EXECUTIVE.

EVERY 2 YEARS, THE COUNTY EXECUTIVE SHALL APPOINT TWO SUBSTITUTE MEMBERS TO THE BOARD.

(B) WHEN SUBSTITUTE MAY SERVE.

(1) THE CHAIR OF THE BOARD SHALL DESIGNATE A SUBSTITUTE MEMBER TO SERVE:

(I) WHEN A REGULAR MEMBER IS ABSENT OR INCAPACITATED FOR ANY REASON; OR

(II) IF A VACANCY IS CREATED.

(2) A SUBSTITUTE MEMBER SHALL SERVE UNTIL THE REGULAR MEMBER’S INCAPACITY OR ABSENCE ENDS OR THE VACANCY IS FILLED.

(C) POWERS AND DUTIES.

WHILE SERVING ON THE BOARD, A SUBSTITUTE MEMBER HAS ALL THE POWERS AND DUTIES OF A REGULAR MEMBER.

(D) SALARY.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A SUBSTITUTE MEMBER SHALL RECEIVE A PER DIEM SALARY SET BY THE BOARD FOR EACH DAY SERVED.

(2) THE SALARY OF A SUBSTITUTE MEMBER MAY NOT EXCEED THE DAILY SALARY OF A REGULAR MEMBER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–104(f).

In subsection (c) of this section, the former reference to the “authority” of a substitute member is deleted as included in the reference to the “powers and duties” of a substitute member.

In subsection (d)(1) of this section, the former reference to each day “actually” served is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that although former Art. 2B, § 15–104(f), revised in part in subsection (b)(1) of this section, requires the chair of the Board to designate a substitute Board member, and former Art. 2B, § 15–109(e)(1), revised in § 13–204(a)(2)(i) of this subtitle, provides for the annual salary of the chair, the source law is silent as to the selection of the Board chair. According to the Board, in practice, the County Executive selects the chair. The General Assembly may wish to amend this section to expressly provide for the selection of the chair by the County Executive.

Defined terms: “Board” § 13–101
“County” § 13–101

13–204. SALARIES; STAFF.

(A) SALARIES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SALARIES OF THE REGULAR MEMBERS OF THE BOARD SHALL BE AS SET FORTH IN THE COUNTY BUDGET.

(2) (I) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF NOT LESS THAN \$11,500.

(II) EACH OTHER REGULAR MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF NOT LESS THAN \$10,500.

(B) STAFF.

SUBJECT TO § 13–205 OF THIS SUBTITLE, THE BOARD MAY:**(1) EMPLOY:****(I) A SECRETARY;****(II) INSPECTORS; AND****(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND****(2) SET THE COMPENSATION OF THE EMPLOYEES.****(C) CHIEF ADMINISTRATOR.****THE COUNTY EXECUTIVE MAY APPOINT A CHIEF ADMINISTRATOR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(a)(2) and 15–109(e)(1) and the first sentence of (e)(2).

In subsection (a)(1) of this section, the reference to “regular” members of the Board is added for clarity. Similarly, in subsection (a)(2)(ii) of this section, the reference to each “other regular” member is substituted for the former reference to each “associate” member.

Also in subsection (a)(1) of this section, the reference to the salaries of Board members being “as set forth in the County budget” is substituted for the former reference to the salaries of Board members being “as determined from time to time by ‘Baltimore County, Maryland’, in such amounts as are deemed reasonable and proper” for brevity and clarity.

In subsection (a)(2)(i) of this section, the reference to the “chair” is substituted for the former reference to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

In subsection (c) of this section, the reference to the “County Executive” appointing a “chief administrator” is substituted for the former reference to the “Board” appointing an “executive director” to reflect current practice in the County.

The second sentence of former Art. 2B, § 15–109(e)(2), which required the salary of the executive secretary to the Board to be paid from the liquor license appropriation in the Baltimore County budget and specified the amount of the salary, is deleted as obsolete.

Defined terms: “Board” § 13–101
“County” § 13–101

13–205. INSPECTORS.

(A) IN GENERAL.

THE BOARD MAY APPOINT A CHIEF INSPECTOR AND AT LEAST 14 INSPECTORS.

(B) POWERS.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE CHIEF INSPECTOR AND EACH OTHER INSPECTOR MAY EXAMINE ANY IDENTIFICATION USED AS PROOF OF AGE BY AN INDIVIDUAL TO PURCHASE ALCOHOLIC BEVERAGES.

(2) THE EXAMINATION SHALL BE MADE ON THE PREMISES OF THE LICENSED ESTABLISHMENT WHERE THE PURCHASE IS ATTEMPTED.

(C) SALARIES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SALARIES OF THE CHIEF INSPECTOR AND EACH OTHER INSPECTOR SHALL BE AS SET FORTH IN THE COUNTY BUDGET.

(2) (I) THE SALARY OF THE CHIEF INSPECTOR MAY NOT BE LESS THAN \$9,500 A YEAR.

(II) THE SALARY OF EACH OTHER INSPECTOR MAY NOT BE LESS THAN \$9,000 A YEAR.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(e)(2).

Throughout this section, the former references to a “[l]icense” inspector are deleted as surplusage.

In subsection (b) of this section, the former references to “request” are deleted in light of the references to “examine” and “examination”.

In subsection (b)(1) of this section, the reference to each “other” inspector is added for clarity. Similarly, in subsection (c)(2)(ii) of this section, the reference to each “other” inspector is substituted for the former reference to each “remaining” inspector.

Also in subsection (b)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because only a human being and not the other entities included in the definition of “person” can show proof of age to purchase alcoholic beverages.

In subsection (b)(2) of this section, the reference to the “premises of the licensed establishment where the purchase is attempted” is substituted for the former reference to the “licensed premises in the county” for clarity.

In subsection (c)(1) of this section, the reference to the salaries “of the Chief Inspector and each other inspector” is added for clarity.

Also in subsection (c)(1) of this section, the reference to salaries being “as set forth in the County budget” is substituted for the former reference to salaries being “as determined by the county” for clarity.

The second sentence of former Art. 2B, § 15–104(e), which required the Board to appoint no less than four but no more than fifteen liquor inspectors for the County, is deleted because it conflicts with the first sentence of former Art. 2B, § 15–112(e)(2). The latter provision, which is revised in subsection (a) of this section, authorized the Board to appoint a Chief License Inspector and at least 14 license inspectors. Former Art. 2B, § 15–104(e) was enacted by Chapter 6 of the Special Session of the General Assembly of 1967, while former Art. 2B, § 15–112(e)(2) was enacted in what is substantively its present form by Chapter 606 of the Acts of 1989. Under rules of statutory construction, in the event of an irreconcilable conflict between two provisions of law, the latest provision to be enacted prevails. *See, e.g.*, GP § 1–207(b).

Former Art. 2B, § 15–112(e)(1), which provided that former Art. 2B, § 15–112(e) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 13–101

“County” § 13–101

13–206. DISPOSITION OF LICENSE FEES.

FROM THE FEES COLLECTED UNDER THIS SUBTITLE, THE COUNTY SHALL:

(1) PAY ALL SALARIES AND EXPENSES OF THE BOARD, AS DETERMINED BY THE COUNTY; AND

(2) DEVOTE THE BALANCE OF THE FEES TO THE GENERAL PURPOSES OF THE COUNTY, WHICH MAY INCLUDE THE METROPOLITAN DISTRICT AND HIGHWAYS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(e).

The former reference to the metropolitan district “department” is deleted as surplusage.

The former reference to “[t]he phrase ‘the general purposes of the county’ in Baltimore County” is deleted as surplusage.

Defined terms: “Board” § 13–101
“County” § 13–101

13–207. REGULATIONS.

(A) IN GENERAL.

THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE, INCLUDING REGULATIONS REGARDING:

(1) THE PRESENCE ON A LICENSED PREMISES OF AN INDIVIDUAL WHO IS NOT A CONSUMER; AND

(2) THE ISSUANCE OF A LICENSE WHEN THE ACTUAL USE OF THE LICENSE IS TO BE DEFERRED UNTIL THE COMPLETION OF CONSTRUCTION OR ALTERATIONS ON THE PREMISES.

(B) REQUIRED NOTICE.

THE BOARD SHALL:

(1) PUBLISH NOTICE OF AN INTENDED ACTION TO CHANGE OR ADOPT REGULATIONS AT LEAST 30 DAYS BEFORE THE EFFECTIVE DATE OF THE PROPOSED REGULATIONS IN A NEWSPAPER OF GENERAL PUBLICATION IN THE COUNTY; AND

(2) GIVE ALL INTERESTED PERSONS A REASONABLE OPPORTUNITY TO SUBMIT DATA OR VIEWS ORALLY OR IN WRITING BEFORE THE EFFECTIVE DATE OF THE REGULATIONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(e)(3) and 16–301(c) and, as it related to the authority of the Board to adopt regulations, (a).

Throughout this section, the former references to “rules” are deleted as included in the reference to “regulations”.

In the introductory language of subsection (a) of this section, the defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Baltimore County.

Also in the introductory language of subsection (a) of this section, the reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full powers and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Also in the introductory language of subsection (a) this section, the former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

In subsection (a)(1) of this section, the defined term “consumer” is substituted for the former reference to a person “designated under § 1–102(a)(6) of this article” for clarity.

In subsection (a)(2) of this section, the phrase “the issuance of a license” is substituted for the former phrase “the granting and the date of issuing licenses” for brevity.

Defined terms: “Board” § 13–101

“Consumer” § 1–101

“Person” § 1–101

SUBTITLE 3. LIQUOR CONTROL.

13–301. LIQUOR CONTROL — NOT APPLICABLE.

THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 13–101

SUBTITLE 4. MANUFACTURER’S LICENSES.

13–401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”);**
- (8) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”);**
- (9) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (10) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (11) § 2–212 (“ADDITIONAL LICENSES”);**
- (12) § 2–213 (“ADDITIONAL FEES”);**
- (13) § 2–214 (“SALE OR DELIVERY RESTRICTED”);**
- (14) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);**
- (15) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**

(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND

(2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”).

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12-112(a), as it limited to specific jurisdictions, not including Baltimore County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2-215 of Division I of this article. No substantive change is intended.

Former Art. 2B, § 2-208(b)(2)(iii), which provided that a Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 13-101
“Manufacturer’s license” § 1-101

13-402. HOURS AND DAYS OF SALE OR DELIVERY.

A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-101(b)(3).

Defined terms: “Alcoholic beverage” § 1–101
“Manufacturer’s license” § 1–101

SUBTITLE 5. WHOLESALER’S LICENSES.

13–501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**
- (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**
- (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**
- (6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**
- (7) § 2–307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**
- (8) § 2–308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**
- (9) § 2–309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);**
- (10) § 2–310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);**
- (11) § 2–311 (“ADDITIONAL WHOLESALER’S LICENSES”);**
- (12) § 2–312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);**
- (13) § 2–313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);**

(14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);

(15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Subsection (b) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12-112(a), as it limited to specific jurisdictions, not including Baltimore County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2-314 of this article. No substantive change is intended.

Defined terms: “County” § 13-101
“Wholesaler’s license” § 1-101

13-502. HOURS AND DAYS OF SALE OR DELIVERY.

EXCEPT AS PROVIDED IN § 13-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(a).

Defined terms: “Alcoholic beverage” § 1-101
“Wholesaler’s license” § 1-101

13-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.

(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.

THE HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.

THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

SUBTITLE 6. BEER LICENSES.

13–601. CLASS A BEER LICENSE — NOT APPLICABLE.

A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(e).

Defined terms: “Beer” § 1–101
“County” § 13–101

13–602. CLASS B BEER LICENSE — NOT APPLICABLE.

A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(e).

Defined terms: “Beer” § 1–101
“County” § 13–101

13–603. CLASS C BEER LICENSE — NOT APPLICABLE.

A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(e).

Defined terms: “Beer” § 1–101
“County” § 13–101

13–604. CLASS D BEER LICENSE — NOT APPLICABLE.

A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(e).

Defined terms: “Beer” § 1–101
“County” § 13–101

SUBTITLE 7. WINE LICENSES.

13–701. CLASS A WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A WINE LICENSE IN THE COUNTY.

(B) AUTHORIZED HOLDER.

(1) THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR CLASS 4 LIMITED WINERY LICENSE.

(2) A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE THAT APPLIES FOR A CLASS A WINE LICENSE IS EXEMPT FROM ANY QUOTA ESTABLISHED BY THE BOARD CONCERNING THE NUMBER OF LICENSES IN THE ELECTION DISTRICT WHERE THE WINERY IS LOCATED.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY THAT CONTAINS NOT MORE THAN 21% OF ALCOHOL BY VOLUME.

(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$100.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(2), (b)(8), (c)(1) and (3), (d)(3), as it is related to Baltimore County, and the second sentence of (1), and (e)(1)(ii) and (2).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 21%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b)(1) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 manufacturer’s license, who makes wine from agricultural products grown in Maryland” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license”.

Also in subsection (b)(1) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former reference to “ports” is deleted as unnecessary in light of the definition of “wine”. Port wine generally has an

alcohol content of 19.5% to 20% by volume and thus is included in the definition of “wine”.

Also in subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “Board” § 13–101

“County” § 13–101

“License” § 1–101

“Wine” § 1–101

SUBTITLE 8. BEER AND WINE LICENSES.

13–801. CLASS A BEER AND WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER AND WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$250.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(e) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the reference to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

13–802. CLASS B BEER AND WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER AND WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

(C) SPACE REQUIREMENT.

(1) THIS SUBSECTION DOES NOT APPLY TO A PRESENT LICENSE HOLDER HAVING THE LICENSE BEFORE DECEMBER 31, 1966.

(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED AS A RESTAURANT FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES MAY NOT OCCUPY LESS THAN 80% OF THE SQUARE FOOTAGE OF THE PREMISES.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$300.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(e) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

In subsection (c)(1) of this section, the former word “affect” is deleted as included in the phrase “apply to”.

In subsection (c)(2) of this section, the reference to the “square footage of the premises” is substituted for the former reference to the “square foot area” for clarity.

Also in subsection (c)(2) of this section, the former reference to the preparation and consumption of food and beverages “on the premises” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

13–803. CLASS C BEER AND WINE LICENSE.**(A) ESTABLISHED.**

THERE IS A CLASS C BEER AND WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$150.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(e) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

13–804. CLASS D BEER AND WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER AND WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

(C) SPACE REQUIREMENT.

(1) THIS SUBSECTION DOES NOT APPLY TO A PRESENT LICENSE HOLDER HAVING THE LICENSE BEFORE DECEMBER 31, 1966.

(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED FOR THE PREPARATION AND CONSUMPTION OF BEER AND WINE MAY NOT OCCUPY LESS THAN 80% OF THE SQUARE FOOTAGE OF THE PREMISES.

(D) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$250.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(e) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

In subsection (c)(1) of this section, the former word “affect” is deleted as included in the phrase “apply to”.

In subsection (c)(2) of this section, the reference to the “square footage of the premises” is substituted for the former reference to the “square foot area” for clarity.

Also in subsection (c)(2) of this section, the reference to “beer and wine” is substituted for the former reference to “alcoholic beverages” for clarity.

Also in subsection (c)(2) of this section, the former reference to the preparation and consumption of beer and wine “on the premises” is deleted as surplusage.

Defined terms: “Beer” § 1–101
“Wine” § 1–101

SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.

13–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(C) DRUGSTORE PROHIBITION; EXCEPTION.

A LICENSE MAY NOT BE ISSUED FOR ANY DRUGSTORE UNLESS THE APPLICANT:

(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;

(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR

(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$900.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(e) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as unnecessary.

Also in subsection (b)(1) of this section, the phrase “beer, wine, or liquor” is substituted for the former phrase “all alcoholic beverages” for clarity.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

13-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**(A) ESTABLISHED.**

THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:

**(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS
ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND

(3) CONTAINS:

(I) AT LEAST ONE PASSENGER ELEVATOR;

**(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE
PUBLIC; AND**

**(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND
SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

(C) SCOPE OF AUTHORIZATION.

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,
WINE, AND LIQUOR FOR CONSUMPTION AT A HOTEL OR RESTAURANT AT THE PLACE
DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

**(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED AS A
RESTAURANT TO PREPARE AND CONSUME FOOD AND BEVERAGES MAY OCCUPY NOT
LESS THAN 80% OF THE SQUARE FOOTAGE, UNLESS THE LICENSE HOLDER HAS HELD
THE LICENSE SINCE BEFORE DECEMBER 31, 1966.**

(D) FEE.

THE ANNUAL LICENSE FEE IS \$1,500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (3)(i) and (e)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(3)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

In subsection (c)(2) of this section, the reference to “unless the license holder has held the license” is substituted for the former reference to “[t]hese occupancy requirements do not apply to or affect any present licensee having this license” for brevity.

Former Art. 2B, § 6–201(e)(1), which stated that former Art. 2B, § 6–201(e) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101
“Board” § 10–101
“Hotel” § 1–101
“Restaurant” § 1–101
“Wine” § 1–101

13–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$1,000.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(e) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (b) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on–premises consumption”.

Also in subsection (b) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

13–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY:

(1) ISSUE THE LICENSE ONLY TO A HOLDER OF A CLASS B (SB) RESTAURANT – SERVICE BAR BEER, WINE, AND LIQUOR (ON–SALE) LICENSE; OR

(2) RESTRICT OFF–SALE PRIVILEGES OF THE LICENSE HOLDER.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.

(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED TO PREPARE AND CONSUME FOOD AND ALCOHOLIC BEVERAGES ON THE PREMISES MAY OCCUPY NOT LESS THAN 80% OF THE SQUARE FOOT AREA, UNLESS THE LICENSE HOLDER HAS HELD THE LICENSE SINCE BEFORE DECEMBER 31, 1966.

(D) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**(E) FEE.****THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–401(a)(1) and (e)(2) and (3) and 12–204(c)(1).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the former phrase “[i]n granting a license” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “issue” the license is substituted for the former reference to “[l]imit” the license to conform to the terminology used throughout this article.

In subsection (c)(2) of this section, the reference to “unless the license holder has held the license” is substituted for the former reference to “[t]hese occupancy requirements do not apply to or affect any present licensee having this license” for brevity.

Former Art. 2B, § 6–401(e)(1), which stated that former Art. 2B, § 6–401(e) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 12–204(c)(2), which stated that the provisions of former Art. 2B, § 12–204(c)(1) do not apply to a holder of a Class A beer, wine, and liquor license, is deleted as unnecessary, as the provisions do not apply on their face.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 13–101

“Restaurant” § 1–101

“Wine” § 1–101

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 2B, § 8–204, which established the 7–day Class BDR (deluxe restaurant) (on–sale) beer, wine, and liquor license, is deleted as obsolete. Under former Art. 2B, § 8–204(j)(3), the Board is prohibited from issuing a Class BDR license after July 1, 1995. No substantive change is made by this deletion. In accordance with the general rule noted in Section 11 of this Act, a holder of a license, such as a Class BDR license,

is considered for all purposes to be licensed for the duration of the term for which the license was issued and may renew that authorization in accordance with the appropriate renewal provisions of this article.

SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

13-1001. RACETRACK LICENSES.

(A) ESTABLISHED.

THERE IS:

- (1) A RACETRACK BEER AND WINE LICENSE; AND**
- (2) A RACETRACK BEER, WINE, AND LIQUOR LICENSE.**

(B) AUTHORIZED HOLDER.

- (1) THE BOARD MAY ISSUE A LICENSE TO THE OWNER, CONCESSIONAIRE, OR CATERING ORGANIZATION OF A LICENSED RACING ESTABLISHMENT, WHETHER AN INDIVIDUAL, AN ASSOCIATION, OR A CORPORATION.**
- (2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR THE LICENSES.**

(C) SCOPE OF AUTHORIZATION.

- (1) THE RACETRACK BEER AND WINE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT ONE OR MORE LOCATIONS ON THE PREMISES OF THE RACING PARK OF THE LICENSE HOLDER.**
- (2) THE RACETRACK BEER, WINE, AND LIQUOR LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT ONE OR MORE LOCATIONS ON THE PREMISES OF THE RACING PARK OF THE LICENSE HOLDER.**

(D) FEES.

THE LICENSE FEE IS:

- (1) FOR A RACETRACK BEER AND WINE LICENSE, \$25 FOR EACH DAY THAT THE RACING PARK IS OPEN AND OPERATING; AND**
- (2) FOR A RACETRACK BEER, WINE, AND LIQUOR LICENSE, \$50 FOR EACH DAY THAT THE RACING PARK IS OPEN AND OPERATING.**

REVISOR'S NOTE: Subsection (a) of this section is new language added as the standard language establishing a license in this article.

Subsections (b) through (d) of this section are new language derived without substantive change from the first sentence of former Art. 2B, § 8–601(a).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders may provide wine with an alcohol content above the traditional maximum level for light wine.

In subsection (b)(1) of this section, the reference to the Board being allowed to “issue” licenses to a racetrack owner, concessionaire, or catering organization is substituted for the former reference authorizing a racetrack owner to “procure” licenses to conform to the terminology used throughout this article.

Also in subsection (b)(1) of this section, the former reference to the owner “or owners” of a racing establishment is deleted as redundant in light of § 1–202 of the General Provisions Article, which provides that the singular generally includes the plural.

In subsection (b)(2) of this section, the former reference to “locative” qualifications is deleted as redundant.

In subsection (c)(1) of this section, the reference to the sale of alcoholic beverages “on the premises” of the license holder’s racing park is substituted for the former reference to the sale of alcoholic beverages “within the confines” of the license holder’s racing park to conform to the terminology used throughout this article.

In the introductory language of subsection (d) of this section, the reference to the “license fee” for each license is substituted for the former reference to the “cost” of each license to conform with the terminology used throughout this article.

In subsection (d) of this section, the references to each day “that the racing park is open and operating” are added for clarity and to conform to current practice.

The second sentence of former Art. 2B, § 8–601(a), which stated that the license and license holder are subject to all laws, rules, and regulations applicable in Baltimore County to the sale of alcoholic beverages not inconsistent with the provisions of this section, is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“Wine” § 1–101

13–1002. THEATER LICENSE.

(A) ESTABLISHED.

THERE IS A THEATER BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE BOARD MAY ISSUE THE LICENSE FOR USE IN A THEATER THAT:

(1) IS HOUSED IN A BUILDING;

**(2) HAS A CAPACITY TO HOLD A MINIMUM OF 1,500 PERMANENTLY
INSTALLED SEATS; AND**

(3) REGULARLY PRESENTS LIVE ENTERTAINMENT.

(C) HOURS AND DAYS OF SALE.

**A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT RETAIL FOR
ON–PREMISES CONSUMPTION:**

(1) FOR 2 HOURS BEFORE THE ENTERTAINMENT BEGINS;

(2) DURING THE ENTERTAINMENT; AND

(3) FOR 1 HOUR AFTER THE ENTERTAINMENT ENDS.

(D) LOCATION TRANSFER PROHIBITED.

THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.

(E) POPULATION REQUIREMENTS NOT APPLICABLE.

**THE POPULATION REQUIREMENTS OF THE REGULATIONS OF THE BOARD DO
NOT APPLY TO THE LICENSE.**

(F) FEE.

THE ANNUAL LICENSE FEE IS \$2,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.1(a) and (c) through (g).

In the introductory language of subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article to the contrary” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c)(3) of this section, the word “ends” is added for clarity.

In subsection (d) of this section, the former phrase “from the location of original issuance” is deleted as surplusage.

In subsection (e) of this section, the former reference to “rules” is deleted in light of the reference to “regulations”.

Former Art. 2B, § 8–204.1(b), which defined “Board” as meaning the Baltimore County Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 13–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“Wine” § 1–101

SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.

13–1101. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING PROVISIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

(B) EXCEPTION.

SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATION.

SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13-1102 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 13-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

13-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.

(A) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.

(B) APPLICATION FORM.

AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.

(C) HOURS OF SALE.

THE HOURS OF SALE FOR THE PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

(2) END AT MIDNIGHT.

(D) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(E) FEES.

THE BOARD MAY CHARGE ANNUAL PERMIT FEES OF NOT MORE THAN:

(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND

(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.10(d) through (g).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

Former Art. 2B, § 8–103(a)(1)(i), which stated that former Art. 2B, § 8–103 applied with respect to draft beer in Baltimore County, and former Art. 2B, § 8–204.10(a), which stated that former Art. 2B, § 8–204.10 applied only in Baltimore County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–204.10(b), which defined the term “Board” to mean the Board of License Commissioners, is deleted as redundant of the term “Board” defined in § 13–101 of this title.

Former Art. 2B, § 8–204.10(c), which stated that there is a refillable container permit in the County, is deleted as unnecessary in light of § 13–1101(c) of this subtitle.

Defined terms: “Board” § 13–101

“License” § 1–101

“Off-sale” § 1–101

SUBTITLE 12. CATERER'S LICENSES.

13–1201. OFF-SALE CATERER PRIVILEGE.

(A) ESTABLISHED.

THERE IS AN OFF-SALE CATERER PRIVILEGE.

(B) AUTHORIZED HOLDER.

(1) THE BOARD MAY GRANT THE PRIVILEGE TO A HOLDER OF A CLASS B OR CLASS D ON-SALE BEER, WINE, AND LIQUOR LICENSE.

(2) THE PRIVILEGE IS NOT A SEPARATE CLASS OF LICENSE BUT IS INCORPORATED IN THE HOLDER'S CLASS B OR CLASS D LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE PRIVILEGE AUTHORIZES A HOLDER TO:

(1) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE CATERED EVENT HELD OFF THE PREMISES OF THE HOLDER TO PROVIDE FOOD AND SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION AT THE EVENT; AND

(2) EXERCISE THE PRIVILEGE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B OR CLASS D LICENSE.

(D) RENEWAL.

THE PRIVILEGE MAY BE RENEWED.

(E) FEE.

THE ANNUAL FEE FOR THE PRIVILEGE IS \$500 IN ADDITION TO THE ANNUAL FEE FOR THE LICENSE TO WHICH THE PRIVILEGE IS INCORPORATED.

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a special off-sale caterer privilege exists in Baltimore County.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 6–702(b) through (h).

Subsection (b)(1) of this section is revised as a statement specifying the eligible recipients of a special caterer privilege, rather than as part of the former definition of “caterer”, for clarity and to conform to the format used in licensing provisions throughout this article.

In subsection (b)(1) of this section, the former phrase “for the sole purpose of authorizing the licensee to be a caterer” is deleted as surplusage.

In subsection (b)(2) of this section, the former clause “if it is granted” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to the “existing” license is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the premises “of the holder” is added for clarity.

Also in subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c)(2) of this section, the reference to the hours and days “authorized for the holder’s Class B or Class D license” is substituted for the former reference to the hours and days “that are permitted in this article for a Class B or Class D on-sale beer, wine and liquor license” for clarity.

Also in subsection (c)(2) of this section, the former phrase “in the county” is deleted as surplusage.

In subsection (e) of this section, the reference to the “license to which the privilege is incorporated” is substituted for the former reference to the “Class B or Class D on-sale beer, wine and liquor license” for brevity.

Former Art. 2B, § 6–702(a), which stated that former Art. 2B, § 6–702 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“License” § 1–101

“Off-sale” § 1–101

“On-sale” § 1–101

“Wine” § 1–101

SUBTITLE 13. TEMPORARY LICENSES.

PART I. IN GENERAL.

13–1301. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–1202 (“PER DIEM LICENSES”);

(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);

(3) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);

(4) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

(5) § 4–1208 (“HOURS AND DAYS OF SALE”); AND

(6) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).

(B) EXCEPTION.

SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 13–1311 OF THIS SUBTITLE.

(C) VARIATION.

SECTION 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13–1312 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 13–101

13–1302. RESERVED.

13–1303. RESERVED.

PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

13–1304. BEER FESTIVAL LICENSE.

(A) ESTABLISHED.

THERE IS A BEER FESTIVAL LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 5 BREWERY LICENSE, CLASS 7 MICRO–BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER.

(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.

A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:

(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER FESTIVAL.

(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.

THE BOARD SHALL:

(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE BEER FESTIVAL THAT DOES NOT FALL ON THE DATES CHOSEN FOR THE ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL, THE CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL IN WASHINGTON COUNTY, OR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;

(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND

(3) ENSURE THAT THE PRIMARY FOCUS OF THE BEER FESTIVAL IS THE PROMOTION OF MARYLAND BEER.

(F) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) FEE.

THE LICENSE FEE IS \$50.

(H) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–802.

Throughout this section, the former references to a “special” beer festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[n]otwithstanding any other provisions to the contrary” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the reference to a “retail license” is substituted for the former reference to an “existing retail alcoholic beverages license issued in the State” for brevity.

In subsections (d)(2) and (e)(2) of this section, the former references to a festival or location “in Baltimore County” are deleted as surplusage.

In subsection (e)(2) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “which does not hold an alcoholic beverages license” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “for the special beer festival” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]he provisions of this section may not prohibit the licensee from holding” another license for clarity.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“License” § 1–101

“License holder” § 1–101

13–1305. WINE FESTIVAL LICENSE.

(A) ESTABLISHED.

THERE IS A WINE FESTIVAL LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE.

(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.

A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:

(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE FESTIVAL.

(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.

THE BOARD SHALL:

(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE WINE FESTIVAL THAT DOES NOT FALL ON THE DATES CHOSEN FOR THE ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL, THE CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL IN WASHINGTON COUNTY, OR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;

(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND

(3) ENSURE THAT THE PRIMARY FOCUS OF THE WINE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.

(F) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) FEE.

THE LICENSE FEE IS \$60.

(H) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-304.

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail license” is substituted for the former reference to a “requisite existing retail alcoholic beverages license issued in the State” for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision to the contrary,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsections (d)(2) and (e)(2) of this section, the former references to a festival or location “in Baltimore County” are deleted as surplusage.

In subsection (e)(2) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “which does not hold an alcoholic beverages license” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “for the special wine festival” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]he provisions of this section may not prohibit the licensee from holding” another license for clarity.

Defined terms: “Board” § 13–101

“License” § 1–101

“Wine” § 1–101

13–1306. WINE SAMPLING PERMIT FOR NONPROFIT ORGANIZATION.

(A) ESTABLISHED.

THERE IS A WINE SAMPLING (WS) PERMIT.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE PERMIT TO A NONPROFIT ORGANIZATION.

(C) SCOPE OF AUTHORIZATION.

(1) THE PERMIT AUTHORIZES ON-PREMISES CONSUMPTION OF WINE FOR SAMPLING:

(I) ON PREMISES FOR WHICH A CLASS B LICENSE HAS BEEN ISSUED WITH THE CONSENT OF THE HOLDER OF THE LICENSE FOR THE PREMISES; OR

(II) AT A LOCATION THAT IS NOT ALREADY LICENSED.

(2) THE PERMIT HOLDER MAY BRING WINE ONTO THE CLASS B LICENSED PREMISES FOR SAMPLING.

(D) LICENSE APPLICATION.

THE NONPROFIT ORGANIZATION SHALL APPLY FOR A PERMIT AT LEAST 15 DAYS BEFORE THE PERMIT IS ISSUED.

(E) LIMIT ON NUMBER OF LICENSES.

THE BOARD MAY ISSUE NOT MORE THAN 12 PERMITS IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.

(F) LIMIT ON SERVINGS.

A PERMIT HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES OF WINE FROM EACH OFFERING TO AN INDIVIDUAL.

(G) FEE.

THE PERMIT FEE IS \$30 PER DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-404(a).

Throughout this section, former references to a "bona fide" nonprofit organization are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a permit.

In the introductory language of subsection (c)(1) and in subsection (c)(2) of this section, the former references to “tasting” are deleted as redundant of the references to “sampling”.

In subsection (c)(1)(i) of this section, the reference to the “holder of the license for the premises” is substituted for the former reference to the “licensee” to clarify which license holder is to give the consent.

In subsection (c)(1)(ii) of this section, the reference to a “location that is not already licensed” is substituted for the former reference to “premises without a permanent alcoholic beverages license” for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to each “offering” is substituted for the former reference to each “brand” for clarity.

Also in subsection (f) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any 1 person” for clarity.

Former Art. 2B, § 8–404(b), which stated that this section is not restricted by former Art. 2B, § 12–107(b), is deleted as unnecessary in light of § 1–202 of this article.

Defined terms: “Board” § 13–101

“License” § 1–101

“Wine” § 1–101

13–1307. BEER AND WINE TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS BWT BEER AND WINE TASTING LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON–PREMISES CONSUMPTION OF BEER OR WINE FOR TASTING.

(D) TYPES OF LICENSE.

THE LICENSE MAY BE ISSUED AS:

(1) A DAILY TASTING LICENSE, THAT MAY BE ISSUED NOT MORE THAN 12 TIMES TO A SINGLE LICENSE HOLDER IN A LICENSE YEAR; AND

(2) A 26–DAY, 52–DAY, OR 104–DAY LICENSE, EACH OF WHICH MAY BE USED CONSECUTIVELY OR NONCONSECUTIVELY.

(E) LICENSE APPLICATION.

(1) AN APPLICANT SHALL APPLY ON A FORM THAT THE BOARD PROVIDES.

(2) THE FORM SHALL SPECIFY THE DATE ON WHICH THE TASTING IS TO OCCUR.

(3) THE APPLICATION AND PAYMENT FOR THE DAILY TASTING LICENSE, THE 26–DAY TASTING LICENSE, THE 52–DAY TASTING LICENSE, AND THE 104–DAY TASTING LICENSE SHALL BE MADE AT LEAST 7 DAYS BEFORE THE FIRST DAY OF THE PROPOSED TASTING EVENT.

(4) THE HOLDER OF A 26–DAY TASTING LICENSE, A 52–DAY TASTING LICENSE, AND A 104–DAY TASTING LICENSE SHALL NOTIFY THE BOARD, ON A FORM THAT THE BOARD APPROVES, OF ADDITIONAL TASTING EVENTS AUTHORIZED BY THE LICENSES.

(F) HOURS AND DAYS OF OPERATION.

A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE ONLY DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER’S CLASS A LICENSE.

(G) LIMIT ON SERVINGS.

AN INDIVIDUAL MAY CONSUME WINE OR BEER COVERED BY A LICENSE IN A QUANTITY OF NOT MORE THAN:

(1) 1 OUNCE OF WINE FROM EACH OFFERING IN A DAY; AND

(2) 3 OUNCES OF BEER FROM EACH OFFERING IN A DAY.

(H) DISPOSAL OF REMAINING BEER AND WINE.

AT THE END OF THE DAY FOR WHICH A LICENSE IS VALID, A LICENSE HOLDER SHALL DISPOSE OF BEER OR WINE THAT REMAINS IN A CONTAINER OPENED FOR TASTING.

(I) FEE.

IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE, THE LICENSE FEE IS:

- (1) \$20 FOR A DAILY TASTING LICENSE;**
- (2) \$200 ANNUALLY FOR A 26-DAY TASTING LICENSE;**
- (3) \$300 ANNUALLY FOR A 52-DAY TASTING LICENSE; AND**
- (4) \$400 ANNUALLY FOR A 104-DAY TASTING LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–404.1(b) and (e) and, as they related to Class BWT licenses, (d), (g), (h), and (j).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders may provide wine with an alcohol content above the traditional maximum level for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (d)(1) of this section, the reference to “a single license holder” is added for clarity.

In subsection (e)(1) of this section, the reference to “[a]n applicant” is substituted for the former reference to “[e]ach Class A license holder that seeks issuance of a BWT ... license for which they are eligible” for brevity.

Also in subsection (e)(1) of this section, the former reference to “the type of tasting license authorized by this section” is deleted as surplusage.

In subsection (e)(2) of this section, the former reference to the form “provided by the Board of License Commissioners under paragraph (1) of this subsection” is deleted as surplusage.

In subsection (e)(3) of this section, the former reference to “7 days in advance of the first day of consecutive day tasting events” is deleted as unnecessary in light of the reference to “7 days before the first tasting event”.

In subsection (e)(3) and (4) of this section, the references to the “104–day tasting license” are added to correct apparent erroneous omissions. When the 104–day tasting license was authorized by Ch. 171 of the Acts of 2010, former Art. 2B, § 8–404.1 was not amended to provide for the application, payment, and notice requirements for the license. The Alcoholic Beverages Article Review Committee calls this addition to the attention of the General Assembly.

In the introductory language of subsection (g) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (g)(1) and (2) of this section, the references to “each offering” are substituted for the former references to “all brands” for clarity.

In subsection (h) of this section, the former reference to any “unconsumed” alcoholic beverage is deleted as redundant in light of the reference to any alcoholic beverage “that remains” in a container opened for tasting.

Also in subsection (h) of this section, the former reference to “sampling” is deleted as redundant of the reference to “tasting”.

Former Art. 2B, § 8–404.1(a), which stated that former Art. 2B, § 8–404.1 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–404.1(i), which stated that this section is not restricted by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light of § 1–202 of this article.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

13–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS BWLT BEER, WINE, AND LIQUOR TASTING LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF BEER, WINE, AND LIQUOR FOR TASTING.

(D) TYPES OF LICENSE.

THE LICENSE MAY BE ISSUED AS:

(1) A DAILY TASTING LICENSE THAT MAY BE ISSUED NOT MORE THAN 12 TIMES TO A SINGLE LICENSE HOLDER IN A LICENSE YEAR; AND

(2) A 26-DAY, 52-DAY, OR 104-DAY LICENSE, EACH OF WHICH MAY BE USED CONSECUTIVELY OR NONCONSECUTIVELY.

(E) LICENSE APPLICATION.

(1) AN APPLICANT SHALL APPLY FOR THE LICENSE ON A FORM THAT THE BOARD PROVIDES.

(2) THE FORM SHALL SPECIFY THE DATE OR DATES ON WHICH THE TASTING IS TO OCCUR.

(3) THE APPLICATION AND PAYMENT FOR THE DAILY TASTING LICENSE, THE 26-DAY TASTING LICENSE, THE 52-DAY TASTING LICENSE, AND THE 104-DAY TASTING LICENSE SHALL BE MADE AT LEAST 7 DAYS BEFORE THE FIRST DAY OF THE PROPOSED TASTING EVENT.

(4) THE HOLDER OF A 26-DAY TASTING LICENSE, A 52-DAY TASTING LICENSE, AND A 104-DAY TASTING LICENSE SHALL NOTIFY THE BOARD, ON A FORM THAT THE BOARD APPROVES, OF ADDITIONAL TASTING EVENTS AUTHORIZED BY THE LICENSES.

(F) HOURS AND DAYS OF OPERATION.

A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE ONLY DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER'S CLASS A LICENSE.

(G) LIMIT ON SERVINGS.

AN INDIVIDUAL MAY CONSUME WINE, BEER, OR LIQUOR COVERED BY A LICENSE IN A QUANTITY OF NOT MORE THAN:

- (1) 1 OUNCE OF WINE FROM EACH OFFERING IN A DAY;**
- (2) 3 OUNCES OF BEER FROM EACH OFFERING IN A DAY; AND**
- (3) ONE–HALF OUNCE OF LIQUOR FROM EACH OFFERING IN A DAY.**

(H) DISPOSAL OF REMAINING ALCOHOLIC BEVERAGES.

AT THE END OF EACH DAY FOR WHICH A LICENSE IS VALID, A LICENSE HOLDER SHALL DISPOSE OF ANY ALCOHOLIC BEVERAGE THAT REMAINS IN A CONTAINER OPENED FOR TASTING.

(I) FEE.

IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE, THE FEE FOR A LICENSE IS:

- (1) \$20 FOR A DAILY TASTING LICENSE;**
- (2) \$200 ANNUALLY FOR A 26–DAY TASTING LICENSE;**
- (3) \$300 ANNUALLY FOR A 52–DAY TASTING LICENSE; AND**
- (4) \$400 ANNUALLY FOR A 104–DAY TASTING LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–404.1(c) and (f) and, as they related to Class BWLT licenses, (d), (g), (h), and (j).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders may provide wine with an alcohol content above the traditional maximum level for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsections (c) and (i) of this section, the former references to “sampling” are deleted as redundant of the references to “tasting”.

In subsection (d)(1) of this section, the reference to “a single license holder” is added for clarity.

In subsection (e)(1) of this section, the reference to “[a]n applicant” is substituted for the former reference to “[e]ach Class A license holder that seeks issuance of a ... BWLT license for which they are eligible” for brevity.

Also in subsection (e)(1) of this section, the former reference to “the type of tasting license authorized by this section” is deleted as surplusage.

In subsection (e)(2) of this section, the former reference to the form “provided by the Board of License Commissioners under paragraph (1) of this subsection” is deleted as surplusage.

In subsection (e)(3) of this section, the former reference to “7 days in advance of the first day of consecutive day tasting events” is deleted as unnecessary in light of the reference to “7 days before the tasting event”.

In subsection (e)(3) and (4) of this section, the references to the “104-day tasting license” are added to correct apparent erroneous omissions. When the 104-day tasting license was authorized by Ch. 171 of the Acts of 2010, former Art. 2B, § 8-404.1 was not amended to provide for the application, payment, and notice requirements for the license. The Alcoholic Beverages Article Review Committee calls this addition to the attention of the General Assembly.

In the introductory language of subsection (g) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (g)(1), (2), and (3) of this section, the references to “each offering” are substituted for the former references to “all brands” for clarity.

In subsection (h) of this section, the reference to any “unconsumed” alcoholic beverage is deleted as redundant in light of the reference to any alcoholic beverage “that remains” in a container opened for tasting.

Also in subsection (h) of this section, the former reference to “sampling” is deleted as redundant of the reference to “tasting”.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 13-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

13-1310. RESERVED.**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.****13-1311. FEES.****(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

THE FEE FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE IS:

(1) \$20 PER DAY FOR A RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS', CHARITABLE, OR HOSPITAL SUPPORTING ORGANIZATION; AND

(2) \$30 PER DAY FOR ANY OTHER LICENSE HOLDER.

(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS:

(1) \$35 PER DAY FOR A RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS', CHARITABLE, OR HOSPITAL SUPPORTING ORGANIZATION; AND

(2) \$50 PER DAY FOR ANY OTHER LICENSE HOLDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(4) and (d)(4)(i)1.

In subsections (a)(1) and (b)(1) of this section, the former references to a "bona fide" religious, fraternal, civic, war veterans', hospital, or charitable organization is deleted as surplusage.

Also in subsections (a)(1) and (b)(1) of this section, the references to a hospital "supporting" organization are added for clarity, reflecting the terminology used in the Internal Revenue Code.

Defined term: "License Holder" § 1-101

13-1312. PURCHASING REQUIREMENTS FOR 7-DAY CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**(A) PURCHASE OF BEER AND WINE FROM WHOLESALER.**

THE HOLDER OF A 7-DAY CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY PURCHASE BEER AND WINE FROM A WHOLESALER.

(B) DELIVERY AND RETURN OF STOCK.

THE HOLDER OF A 7-DAY CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY AGREE WITH THE HOLDER OF A WHOLESALER'S LICENSE TO DELIVER BEER AND WINE ON THE DAYS THAT THE PER DIEM LICENSE IS IN EFFECT AND ACCEPT RETURNS ON THE SAME DAY OF DELIVERY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(d)(4)(ii) and (i)2.

In subsection (a) of this section, the defined term "wholesaler" is substituted for the former term "wholesale dealer" to conform to the terminology used throughout this article.

In subsection (b) of this section, the phrase "[n]otwithstanding any other provision of law to the contrary," is deleted as surplusage.

Defined terms: "Wholesaler" § 1-101

"Wholesaler's license" § 1-101

13-1313. MULTIPLE 1-DAY LICENSE.

(A) ESTABLISHED.

THE BOARD MAY ISSUE A MULTIPLE 1-DAY LICENSE TO A CHARITABLE ORGANIZATION THAT IS TAX EXEMPT UNDER § 501(C)(3) OR (4) OF THE UNITED STATES INTERNAL REVENUE CODE.

(B) INFORMATION REQUIRED ON LICENSE APPLICATION.

(1) AN APPLICANT FOR THE LICENSE SHALL INCLUDE ON THE APPLICATION THE DATES OF THE EVENTS FOR WHICH THE LICENSE IS REQUIRED.

(2) THE LICENSE MAY NOT INCLUDE MORE THAN 12 DATES.

(C) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(i)(2) through (4).

In subsection (a) of this section, the former phrase “under this section” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a “bona fide nonprofit” charitable organization is deleted as surplusage.

Former Art. 2B, § 7–101(i)(1), which stated that former Art. 2B, § 7–101(i) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 13–101

“License” § 1–101

SUBTITLE 14. APPLICATIONS FOR LICENSES.

13–1401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);

(2) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);

(3) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);

(4) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);

(5) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

(6) § 4–111 (“PAYMENT OF LICENSE FEES”);

(7) § 4–112 (“DISPOSITION OF LICENSE FEES”);

(8) § 4–113 (“REFUND OF LICENSE FEES”); AND

(9) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH IS SUPERSEDED BY § 13–1402 OF THIS SUBTITLE;

(2) § 4–107 (“CRIMINAL HISTORY RECORDS CHECK”); AND

(3) § 4–110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”).

(C) VARIATION.

SECTION 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13–1403 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to applications for local licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 10–103(b)(18)(iii), as it related to Baltimore County.

Defined term: “County” § 13–101

13–1402. APPLICATION ON BEHALF OF PARTNERSHIP.

(A) REQUIREMENTS FOR APPLICATION.

(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LICENSE FOR A PARTNERSHIP SHALL BE APPLIED FOR BY AND ISSUED TO AT LEAST TWO GENERAL PARTNERS AS INDIVIDUALS.

(2) WHEN AN APPLICATION IS FILED, AT LEAST ONE OF THE GENERAL PARTNERS WHO APPLIES SHALL:

(I) RESIDE IN THE STATE; AND

(II) BE A REGISTERED VOTER IN THE STATE.

(B) PARTNERSHIP WITH ONLY ONE GENERAL PARTNER.

IF A PARTNERSHIP HAS ONLY ONE GENERAL PARTNER, THE BOARD SHALL ISSUE THE LICENSE TO THAT PARTNER AS AN INDIVIDUAL, PROVIDED THAT THE PARTNER MEETS THE REQUIREMENTS OF SUBSECTION (A)(2) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(a)(2)(ii)1 and 2.

In subsection (a)(2) of this section, the reference to “the State” is substituted for the former reference to “any county of the State or of the City of Baltimore” for brevity.

In subsection (b) of this section, the language “provided that the partner meets the requirements of subsection (a)(2) of this section” is substituted for the former phrase “if the partner is a registered voter of any county or of the City of Baltimore and resides there at the time of application” for brevity.

Former Art. 2B, § 9–101(a)(2)(ii)3, which stated that former Art. 2B, § 9–101(a)(2)(ii) “may not be construed to waive any of the requirements under §§ 9–102, 9–102.2, and 9–301 of [Art. 2B]” is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements that an applicant reside and be a registered voter in the State may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Board” § 13–101

“License” § 1–101

“State” § 1–101

13–1403. RESIDENT STATUS.

(A) REQUIREMENT INFORMATION ON APPLICATION.

AN APPLICANT FOR A LICENSE IN THE COUNTY SHALL INCLUDE ON THE APPLICATION:

(1) (I) A STATEMENT WHETHER THE APPLICANT IS A NATURAL-BORN CITIZEN OR A NATURALIZED CITIZEN; OR

(II) IF THE APPLICANT IS NOT A NATURAL-BORN CITIZEN OR A NATURALIZED CITIZEN, INFORMATION OR DOCUMENTATION REQUIRED BY THE BOARD TO SHOW PROOF OF IMMIGRATION STATUS; AND

(2) A STATEMENT THAT THE APPLICANT HAS BEEN FOR 2 YEARS IMMEDIATELY BEFORE THE FILING OF THE APPLICATION A RESIDENT OF THE STATE.

(B) VERIFICATION OF IMMIGRATION STATUS.

THE BOARD MAY OBTAIN INFORMATION FROM THE SOCIAL SECURITY ADMINISTRATION AND THE DEPARTMENT OF HOMELAND SECURITY — IMMIGRATION AND CUSTOMS TO VERIFY THE CITIZENSHIP OR IMMIGRATION STATUS OF THE APPLICANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(4)(v), and as it related to Baltimore County, (3-a).

The references to "immigration" status are substituted for the former references to "alien" status for clarity.

Defined terms: "Board" § 13-101

"County" § 13-101

"License" § 1-101

13-1404. APPLICATION FROM CONTRACT PURCHASER, OWNER OF PREMISES, OR DEVELOPER.

(A) IN GENERAL.

THE BOARD MAY ACCEPT AN APPLICATION FOR A LICENSE FROM:

(1) A CONTRACT PURCHASER OF A PROPERTY THAT BECOMES THE OWNER OF RECORD OF THE PREMISES TO BE LICENSED BEFORE THE LICENSE IS ISSUED;

(2) AN OWNER OF A PREMISES THAT IS PROPOSED TO BE LICENSED;
OR

(3) A DEVELOPER OF A PROPERTY WITH THE CONSENT AND AUTHORITY OF THE OWNER OF THE PROPERTY.

(B) CERTAIN SITE INFORMATION NOT REQUIRED.

AN APPLICATION FILED UNDER THIS SECTION NEED NOT CONTAIN A SPECIFIC STREET ADDRESS OR DESCRIPTION OF THE PREMISES TO BE LICENSED OTHER THAN A GENERAL DESCRIPTION OF THE SITE ON WHICH THE PREMISES WILL BE BUILT, INCLUDING A PROPERTY MAP NUMBER, PARCEL NUMBER, PROPERTY TAX IDENTIFICATION NUMBER, OR PLAT NUMBER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.6(b) and (c).

Defined terms: “Board” § 13–101
“License” § 1–101

SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.

13–1501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4–209 (“HEARING”);**
- (5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (6) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (7) § 4–212 (“LICENSE NOT PROPERTY”); AND**
- (8) § 4–213 (“REPLACEMENT LICENSES”).**

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 13-1502 OF THIS SUBTITLE;

(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 13-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;

(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;

(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 13-1504 OF THIS SUBTITLE; AND

(5) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”), SUBJECT TO § 13-1505 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 13-101

“License” § 1-101

“Local licensing board” § 1-101

13-1502. HOLDERS OF OUT-OF-STATE LICENSES.

THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(4), except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 13-101

“Person” § 1–101

“State” § 1–101

“Wine” § 1–101

13–1503. MULTIPLE LICENSES.

(A) INTEREST IN MULTIPLE LICENSES PROHIBITED.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR INTERLOCKING STOCK OWNERSHIP, OR ANY OTHER DIRECT OR INDIRECT MANNER.

(B) MOTEL OR MOTOR COURT EXCEPTION.

THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED FOR A PLACE OPERATED AS A MOTEL OR MOTOR COURT THAT HAS AT LEAST 100 ROOMS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–102(b–4) and 9–301(1)(i)1 and, except as they related to the renewal of a license, 2 and the first sentence of the introductory language of § 9–301.

In subsection (a) of this section, the phrase “[e]xcept as provided in subsection (b) of this section,” is added for clarity.

Also in subsection (a) of this section, the former references to a “partnership, firm, or corporation” or to a “franchisor, franchisee, or chain store operation” are deleted as included in the defined term “person”.

Also in subsection (a) of this section, the former reference to a license held or controlled by “[a]ny other method of ownership or control” is deleted as unnecessary under this revision and included in the reference to a license held or controlled by “any other direct or indirect manner”.

In subsection (b) of this section, the former reference to licenses issued “under this article” is deleted as unnecessary.

Also in subsection (b) of this section, the former statement that subsection (a) of this section does not apply “in Baltimore County” is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9–301(1)(ii), which expressed the intention of former Art. 2B, § 9–301(1)(i)2, is deleted as unnecessary.

Defined terms: “Board” § 13–101

“License” § 1–101

“Person” § 1–101

13–1504. NOTICE OF LICENSE APPLICATION.

(A) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.

IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE HOLDING A HEARING ON THE APPLICATION.

(B) CONTENTS OF POSTING.

A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(i)4 and (ii).

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (a) of this section, the reference to the “hearing on the application” is substituted for the former reference to “action upon the application” for consistency with subsection (b) of this section.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

Defined terms: “Board” § 13–101

“License” § 1–101

13–1505. LICENSE DENIAL — PUBLIC ACCOMMODATION.

THE WAITING PERIODS SPECIFIED IN § 4–214(A) OF THIS ARTICLE APPLY EVEN IF THE GROUNDS FOR THE DENIALS WERE THAT THE LICENSE WAS NOT NECESSARY TO ACCOMMODATE THE PUBLIC.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–208(d).

The section is revised to clarify that the waiting periods specified in § 4–214(a) of this article apply to license denials that were based on the grounds that the denied licenses were not necessary to accommodate the public. Former Art. 2B, § 10–208(d) stated that the exemption from those waiting periods does not apply to those license denials.

Defined term: “License” § 1–101

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 9–102(b–1)(2)(i), which stated that the bowling alley exception to the prohibition against multiple licenses did not apply to Baltimore County, is deleted as unnecessary. This revision applies the general rule to Baltimore County. The fact that Baltimore County is not covered by the exception need not be stated.

SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.

PART I. LICENSING CONDITIONS.

13–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.

(A) IN GENERAL.

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF A PLACE OF WORSHIP OR SCHOOL.

(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP OR SCHOOL IS TO BE MEASURED FROM THE NEAREST POINT OF THE BUILDING OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE BUILDING OF THE PLACE OF WORSHIP OR SCHOOL.

(B) EXCEPTIONS.

THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:

(1) THE RENEWAL OR TRANSFER OF A LICENSE OF AN ESTABLISHMENT IF, AFTER ISSUANCE OF THE LICENSE, A PLACE OF WORSHIP OR SCHOOL WAS BUILT WITHIN 300 FEET OF THE ESTABLISHMENT;

(2) THE ISSUANCE OF A TEMPORARY LICENSE;

(3) A TRANSFER THAT MOVES THE LICENSED PREMISES WITHIN THE SAME BUILDING;

(4) A TRANSFER OF OWNERSHIP OF THE LICENSED PREMISES; OR

(5) THE RENEWAL OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE OR A 7-DAY CLASS BDR (DELUXE RESTAURANT) (ON-SALE) BEER, WINE, AND LIQUOR LICENSE, IF THE LICENSED PREMISES HAS A SEATING CAPACITY OF MORE THAN 50 INDIVIDUALS AND IS WITHIN A TOWN CENTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–205.

In subsection (a)(1) and (2) of this section, the former references to a “church” are deleted as included in the references to a “place of worship”.

In subsection (a)(1) of this section, the reference to a license “for an establishment” is added for clarity and consistency with subsections (a)(2) and (b)(1) of this section.

Also in subsection (a)(1) of this section, the former reference to a license “to sell alcoholic beverages” is deleted as included in the defined term “license”.

In subsection (a)(2) of this section, the former reference to the “proposed” establishment is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to this section not “affect[ing] or prohibit[ing], in any manner” the renewal or transfer of a license is deleted as included in the reference to this section not “apply[ing] to” the renewal or transfer of a license.

In subsection (b)(1) of this section, the reference to a place of worship or school built within 300 feet “of the establishment” is added for clarity.

Also in subsection (b)(1) of this section, the former reference to a place of worship or school “building” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to a “special” license is deleted as unnecessary in light of the reference to a “temporary” license.

In subsection (b)(3) of this section, the former reference to a “structure” is deleted as unnecessary in light of the reference to a “building”.

In subsection (b)(5) of this section, the reference to “individuals” is substituted for the former reference to “persons” because only human beings may be seated at a restaurant.

Defined terms: “Board” § 13–101
“License” § 1–101

13–1602. RESERVED.

13–1603. RESERVED.

PART II. MULTIPLE LICENSING PLANS.

13–1604. ELECTION DISTRICT 15 TRANSFER AND LICENSING PLAN.

(A) IN GENERAL.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY APPROVE THE TRANSFER OF A CLASS B OR CLASS D LICENSE IN EXISTENCE IN ELECTION DISTRICT 15 ON MAY 1, 2012, TO ANOTHER ELECTION DISTRICT IF:

(I) THE APPROVAL OCCURS ANYTIME FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE; AND

(II) ON THE DATE OF THE APPROVAL, THE NUMBER OF LICENSES IN EXISTENCE IN THE ELECTION DISTRICT TO WHICH THE LICENSE IS TO BE TRANSFERRED IS NOT GREATER THAN 25% MORE THAN THE NUMBER OF LICENSES THAT WOULD OTHERWISE EXIST IN THAT ELECTION DISTRICT, BASED ON THE RULE OF THE BOARD THAT LIMITS THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT BY POPULATION.

(2) (I) THE BOARD MAY NOT AUTHORIZE THE TRANSFER OF MORE THAN 25 CLASS B OR CLASS D LICENSES IN EXISTENCE ON MAY 1, 2012, OUT OF ELECTION DISTRICT 15.

(II) NOT MORE THAN TWO LICENSES MAY BE TRANSFERRED UNDER THIS SUBSECTION INTO ANY SINGLE ELECTION DISTRICT EACH YEAR FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE.

(B) ANNUAL SCHEDULE OF LICENSE TRANSFERS AND ISSUANCES.

(1) IN ACCORDANCE WITH THIS SUBSECTION, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT IN THE COUNTY; OR

(II) ISSUE NEW CLASS B SERVICE BAR (SB) BEER AND WINE LICENSES UNDER SUBSECTION (C) OF THIS SECTION.

(2) ON OR BEFORE APRIL 30, 2013, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF FIVE CLASS B OR CLASS D LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF THIS TITLE; OR

(II) IF FIVE LICENSES ARE NOT TRANSFERRED, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS FIVE.

(3) ON OR BEFORE APRIL 30, 2014, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS AT LEAST 10; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, EQUALS 10.

(4) ON OR BEFORE APRIL 30, 2015, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS AT LEAST 15; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, EQUALS 15.

(5) ON OR BEFORE APRIL 30, 2016, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13–1705 OR § 13–1707 OF THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS AT LEAST 20; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, EQUALS 20.

(6) ON OR BEFORE APRIL 30, 2017, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13–1705 OR § 13–1707 OF THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED SINCE MAY 1, 2012, TOTALS AT LEAST 25; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED SINCE MAY 1, 2012, EQUALS 25.

(7) IN ANY YEAR, IF THE BOARD APPROVES THE TRANSFER OF MORE CLASS B OR CLASS D LICENSES THAN ARE NEEDED TO MEET THE MINIMUM TOTAL REQUIRED FOR THAT YEAR, THE EXCESS WILL BE COUNTED AGAINST THE MINIMUM TOTAL REQUIRED FOR THE NEXT YEAR.

(8) THE DATE A LICENSE IS TRANSFERRED UNDER THIS SUBSECTION IS THE DATE OF FINAL, NONAPPEALABLE APPROVAL OF THE APPLICATION FOR A NEW LICENSE OR FOR LICENSE TRANSFER BY THE BOARD.

(C) CLASS B SERVICE BAR BEER AND WINE LICENSES.

(1) A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE MAY BE ISSUED ONLY IN COMPLIANCE WITH THIS SUBSECTION.

(2) A CLASS B SERVICE BAR (SB) LICENSE ALLOWS:

(I) SALES OF BEER AND WINE FOR ON–PREMISES CONSUMPTION; AND

(II) ALCOHOLIC BEVERAGES TO BE SERVED TO PATRONS ONLY AS PART OF A MEAL.

(3) A CLASS B SERVICE BAR (SB) LICENSE MAY BE USED ONLY IN THE OPERATION OF A RESTAURANT, AS DEFINED BY THE BOARD AND THIS ARTICLE, THAT:

(I) HAS TABLE SERVICE; AND

(II) MAINTAINS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

(4) A CLASS B SERVICE BAR (SB) LICENSE DOES NOT ALLOW SERVICE TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY OF PURCHASED FOOD OR BEVERAGE ITEMS OTHER THAN WHILE SEATED AT A TABLE.

(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PROPOSED RESTAURANT FOR WHICH A CLASS B SERVICE BAR (SB) LICENSE IS SOUGHT SHALL COMPLY WITH THE ZONING ORDINANCES OF THE COUNTY, INCLUDING ALLOWING SEATING FOR NOT FEWER THAN 30 CUSTOMERS AND NOT MORE THAN 100 CUSTOMERS.

(II) THE LICENSE MAY NOT BE USED IN CONJUNCTION WITH THE VIEWING OF TELEVISED SPORTING EVENTS OR THE USE OF LIVE BANDS, DISC JOCKEYS, KARAOKE, OR ANY OTHER FORM OF LIVE ENTERTAINMENT.

(6) A CLASS B OR D LICENSE TRANSFERRED UNDER SUBSECTION (A) OF THIS SECTION OR A CLASS B SERVICE BAR (SB) LICENSE ISSUED UNDER THIS SUBSECTION MAY NOT THEREAFTER BE TRANSFERRED FROM THE LICENSED PREMISES OR CONVERTED TO ANOTHER CLASS OF LICENSE.

(7) NOT MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE MAY BE ISSUED IN ANY ONE ELECTION DISTRICT PER YEAR.

(8) A CLASS B SERVICE BAR (SB) LICENSE MAY NOT BE ISSUED FOR USE ON PREMISES OR A LOCATION FOR WHICH ANY ON-SALE LICENSE HAS BEEN ISSUED WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B SERVICE BAR (SB) LICENSE IS FILED.

(9) A PERSON MAY NOT HAVE A DIRECT OR INDIRECT INTEREST AS DEFINED IN § 13-1606 OF THIS SUBTITLE IN MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE.

(D) FEE.

THE ANNUAL FEE FOR A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE IS \$ 5,000.

(E) EFFECT OF TRANSFER.

(1) WHEN A LICENSE IS TRANSFERRED FROM ELECTION DISTRICT 15 TO ANOTHER ELECTION DISTRICT UNDER THIS SECTION, THE LICENSE DOES NOT CONTINUE TO EXIST IN ELECTION DISTRICT 15.

(2) SUBJECT TO THE 25% ALLOWANCE AUTHORIZED IN SUBSECTION (A)(1)(II) OF THIS SECTION, THE BOARD SHALL CONSIDER A LICENSE TRANSFERRED UNDER THIS SECTION TO BE A REGULAR LICENSE AND NOT AN EXCEPTION LICENSE FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT BASED ON THE RULE OF THE BOARD.

(F) CONVERSION OF CLASS D LICENSE FROM ELECTION DISTRICT 15 TO CLASS B LICENSE IN OTHER ELECTION DISTRICT.

(1) THE BOARD:

(I) SHALL CONVERT A CLASS D LICENSE THAT IS TRANSFERRED FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT TO A CLASS B LICENSE; AND

(II) MAY NOT THEREAFTER TRANSFER THE CLASS B LICENSE FROM THE LICENSED PREMISES OR CONVERT THE LICENSE TO ANOTHER CLASS OF LICENSE.

(2) THE BOARD MAY NOT TRANSFER FROM A LICENSED PREMISES OR CONVERT A LICENSE TO ANOTHER CLASS OF LICENSE:

(I) A NEW LICENSE ISSUED BY THE BOARD BASED ON AN INCREASE IN POPULATION UNDER THE RULE OF THE BOARD LIMITING THE TOTAL NUMBER OF LICENSES AVAILABLE BY POPULATION; OR

(II) A LICENSE THAT HAS BEEN REVOKED AND REISSUED BY THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–204.8(b) through (f), 8–204.9(b) and (c), and 8–204.7(b).

In subsection (c)(9) of this section, the former phrase “including an individual or sole proprietorship, partnership, corporation, unincorporated association, and limited liability company” is deleted as included in the defined term “person”.

In subsection (d) of this section, the former reference to a license “issued under this section” is deleted as surplusage.

In subsection (e)(1) of this section, the reference to a license that “does not continue to exist” is substituted for the former reference to a license that “may not be construed to exist” for clarity.

Former Art. 2B, §§ 8–204.7(a), 8–204.8(a), and 8–204.9(a), which limited the scope of former Art. 2B, §§ 8–204.7(a), 8–204.8(a), and 8–204.9(a) to Baltimore County, are deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 13–101

“License” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

13–1605. ADDITIONAL CLASS B LICENSE FOR RESTAURANT.

(A) IN GENERAL.

THE BOARD MAY:

(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND § 13–1606 OF THIS SUBTITLE, ISSUE AN ADDITIONAL CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSE FOR PREMISES USED AS A RESTAURANT THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION TO THE HOLDER OF A CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSE; AND

(2) DEFINE “RESTAURANT” BY REGULATION.

(B) RESTAURANT REQUIREMENTS.

(1) A RESTAURANT UNDER THIS SECTION IS REQUIRED TO HAVE:

(I) A MINIMUM CAPITAL INVESTMENT OF \$500,000 FOR RESTAURANT FACILITIES; AND

(II) A MINIMUM SEATING CAPACITY OF 125 INDIVIDUALS.

(2) THE CAPITAL INVESTMENT DESCRIBED IN PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT INCLUDE THE COST OF LAND OR BUILDINGS.

(C) MAXIMUM NUMBER OF LICENSES PER PERSON.

THE BOARD MAY NOT ISSUE MORE THAN FIVE LICENSES UNDER THIS SECTION TO OR FOR THE USE OF THE SAME PERSON.

(D) ON-PREMISES CONSUMPTION ONLY.

ADDITIONAL LICENSES SHALL BE LIMITED TO PROVIDING ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3A)(3) and, as it related to Baltimore County, (1) and (2).

In subsection (a) of this section, the phrase “[t]he Board may” issue an additional license is added for clarity.

In subsection (a)(1) of this section, the phrase “subject to subsection (c) of this section” is substituted for the former phrase “[n]otwithstanding any other provisions of this section,” for accuracy.

Also in subsection (a)(1) of this section, the former references to a “bona fide” restaurant are deleted as surplusage.

Also in subsection (a)(1) of this section, the former phrase “by making application in the regular manner and paying the usual fee” is deleted as surplusage.

In subsection (c) of this section, the defined term “person” is substituted for the former reference to “partnership, corporation, unincorporated association, or limited liability company” for brevity and consistency within this article.

Also in subsection (c) of this section, the phrase “[t]he Board may not issue” is substituted for the former phrase “[n]othing contained herein shall permit” for clarity.

In subsection (d) of this section, the former phrase “with no off-sale privileges to be exercised therewith” is deleted as surplusage.

Also in subsection (d) of this section, the former reference to “restricted” is deleted as included in the reference to “limited”.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 13-101

"License" § 1-101

"Person" § 1-101

13-1606. CLASS B LICENSES.

(A) MAXIMUM ALLOWABLE NUMBER OF INTERESTS IN LICENSES.

THE BOARD MAY ALLOW A PERSON TO OBTAIN A DIRECT OR INDIRECT INTEREST IN:

(1) NOT MORE THAN 12 CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES; OR

(2) IF ONE OF THE RESTAURANTS FOR WHICH A LICENSE IS LOCATED IN THE LIBERTY ROAD COMMERCIAL REVITALIZATION DISTRICT AS DEFINED BY THE COUNTY COUNCIL ON OCTOBER 18, 1999, NOT MORE THAN 13 CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES.

(B) RESTAURANT REQUIREMENTS.

A RESTAURANT DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL:

(1) MEET THE REQUIREMENTS OF THE REGULATIONS OF THE BOARD REGARDING THE AVAILABILITY AND ISSUANCE OF LICENSES;

(2) MEET THE DEFINITION REQUIREMENTS OF "RESTAURANT" ESTABLISHED UNDER THE REGULATIONS OF THE BOARD;

(3) HAVE A MINIMUM DINING SEATING CAPACITY OF 190 INDIVIDUALS;

(4) HAVE A COCKTAIL LOUNGE OR BAR AREA SEATING CAPACITY THAT DOES NOT EXCEED 25% OF THE DINING SEATING CAPACITY; AND

(5) HAVE NOT MORE THAN 40% OF SALES IN ALCOHOLIC BEVERAGES IN CONNECTION WITH THE BUSINESS.

(C) PRESUMPTION OF INDIRECT INTEREST.

AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN TWO PERSONS, IF THE PERSONS:

- (1) HAVE A COMMON PARENT COMPANY;**
- (2) ARE PARTIES TO A FRANCHISE AGREEMENT, LICENSING AGREEMENT, OR CONCESSION AGREEMENT;**
- (3) ARE PART OF A CHAIN OF BUSINESSES THAT IS COMMONLY OWNED AND OPERATED;**
- (4) SHARE A DIRECTOR, STOCKHOLDER, PARTNER, OR MEMBER;**
- (5) SHARE A DIRECTOR, STOCKHOLDER, PARTNER, OR MEMBER OF A PARENT OR SUBSIDIARY;**
- (6) SHARE, DIRECTLY OR INDIRECTLY, PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR**
- (7) SHARE A TRADE NAME, TRADEMARK, LOGO OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

(D) OFF-SALE PRIVILEGES NOT CONFERRED.

A LICENSE DESCRIBED IN SUBSECTION (A) OF THIS SECTION DOES NOT CONFER AN OFF-SALE PRIVILEGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3B)(1) through (4).

In subsection (a) of this section, the former phrase “[n]otwithstanding any other provisions of this section or § 8-204(l) of this article” is deleted as surplusage.

In the introductory language of subsection (a) of this section, the reference to “[t]he Board” is added for clarity.

Also in the introductory language of subsection (a) of this section, the former phrase “an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company” is deleted as included in the defined term “person”.

In subsection (a)(1) of this section, the former reference to a license “under this article” is deleted as included in the defined term “license”.

In subsection (b) of this section, the former phrase “[f]or an applicant to obtain a license under this subsection: (i) [t]he applicant shall apply in the regular manner and pay the usual fee” is deleted as surplusage.

In subsection (d) of this section, the reference to a “license described in subsection (a) of this section” is substituted for the former reference to “these licenses” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 13–101

“County” § 13–101

“License” § 1–101

“Off–sale” § 1–101

“Person” § 1–101

REVISOR’S NOTE TO PART

Former Art. 2B, § 9–102(b–3B)(5), which authorized the issuance of not more than six licenses to a person, is deleted as obsolete. Section 13–1606 of this subtitle authorizes the issuance of not more than 12 licenses or 13 licenses if the thirteenth is located in the Liberty Road Commercial Revitalization District.

Former Art. 2B, § 9–102(b–3C)(1), which authorized the issuance of not more than 13 Class B licenses, is deleted as duplicative of § 13–1606(a) and (b) of this subtitle.

Former Art. 2B, § 9–102(b–3C)(2), which specified when an indirect interest is presumed to exist, is deleted as duplicative of § 13–1606(c) of this subtitle.

Former Art. 2B, § 9–102(b–3C)(3), which stated that off–sale privileges may not be conferred by these 12 or 13 licenses, is deleted as duplicative of § 13–1606(d) of this subtitle.

Former Art. 2B, § 9–102(b–3C)(4), which stated that not more than seven licenses may be issued to a single person, is deleted as obsolete in light of § 13–1605(c) of this subtitle.

SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.

13–1701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”);

(3) § 4-305 (“FILING FEE AND ENDORSEMENT”); AND

(4) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).

(B) VARIATION.

SECTION 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 13-1702, 13-1703, 13-1704, 13-1705, 13-1706, AND 13-1707 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 10-503(e)(2).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to the transfer of licenses that apply in the County with variation.

Former Art. 2B, § 10-503(e)(1), which stated that former Art. 2B, § 10-503(e) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 13-101
“License” § 1-101

13-1702. TRANSFER FROM CONTRACT PURCHASER, OWNER OF LOCATION, OR DEVELOPER.

(A) CONDITIONS FOR TRANSFER.

IF THE BOARD APPROVES AN APPLICATION FROM A CONTRACT PURCHASER, AN OWNER OF THE LOCATION, OR A DEVELOPER UNDER § 13-1404 OF THIS TITLE, THE APPLICANT MAY APPLY TO TRANSFER THE LICENSE TO AN OPERATOR OF THE TYPE OF BUSINESS FOR WHICH THE LICENSE WAS APPROVED IF:

(1) THE LICENSE IS FOR A LOCATION IN THE SITE FOR WHICH THE LICENSE WAS APPROVED; AND

(2) THE APPLICATION FOR TRANSFER OCCURS WITHIN 3 YEARS AFTER THE ORIGINAL APPLICATION FOR THE SITE IS APPROVED OR CONSTRUCTION AT THE LOCATION IS COMPLETED, WHICHEVER IS LATER.

(B) CHANGE OF LOCATION.

UNLESS OTHERWISE PROHIBITED BY LAW, THE BOARD MAY APPROVE A CHANGE OF LOCATION OF A LICENSE ISSUED UNDER § 13-1404 OF THIS TITLE IF THE LICENSE HOLDER HAS ENGAGED IN AN ACTIVE ALCOHOLIC BEVERAGES BUSINESS UNDER THE LICENSE FOR AT LEAST 1 YEAR BEFORE APPLYING FOR THE CHANGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-204.6(d) and (e).

In the introductory language of subsection (a) of this section, the reference to an application "from a contract purchaser, an owner of the location, or a developer under § 13-1404 of this title" is added for clarity and to reflect the revision of former Art. 2B, § 8-204.6(a) and (b), which authorizes the approval of applications from a certain contract purchaser, owners of locations, or developers, under § 13-1404 of this title. Similarly, in subsection (b) of this section, the reference to "§ 13-1404 of this title" is substituted for the former reference to "this section".

Former Art. 2B, § 8-204.6(a), which stated that former Art. 2B, § 8-204.6 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 13-101

"License" § 1-101

13-1703. TRANSFER OF CLASS B TO CLASS D LICENSE.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED AS AN EXCEPTION TO THE POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN "RULE 19 – POPULATION AND NUMERICAL LIMITATIONS" OF THE RULES AND REGULATIONS OF THE BOARD.

(B) CONDITIONS FOR APPROVAL OF TRANSFER.

SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD, AFTER A HEARING, MAY APPROVE A TRANSFER OF A CLASS B BEER, WINE, AND LIQUOR

(ON-SALE) HOTEL AND RESTAURANT LICENSE TO A CLASS D BEER, WINE, AND LIQUOR (ON-SALE) LICENSE IF, BEFORE THE ANNUAL RENEWAL OF THE LICENSE:

(1) THE LICENSE HOLDER IS CITED BY THE BOARD FOR VIOLATING THE LICENSE RESTRICTION CONCERNING THE PERCENT OF FOOD SOLD VERSUS THE PERCENT OF ALCOHOLIC BEVERAGES SOLD; OR

(2) BECAUSE OF HARDSHIP OR ECONOMIC CONDITIONS, THE LICENSE HOLDER:

(I) KNOWS THAT THE FOOD-ALCOHOLIC BEVERAGES RESTRICTION UNDER ITEM (1) OF THIS PARAGRAPH IS BEING VIOLATED ON THE LICENSED PREMISES; AND

(II) NOTIFIES THE BOARD IN WRITING OF THIS VIOLATION AND THE REASONS FOR REQUESTING THE TRANSFER.

(C) FINDINGS OF BOARD REQUIRED.

A LICENSE MAY NOT BE TRANSFERRED UNLESS, AFTER A HEARING, THE BOARD FINDS THAT THE TRANSFER IS IN THE BEST INTEREST, HEALTH, SAFETY, AND WELFARE OF THE NEIGHBORHOOD IN WHICH THE LICENSE TRANSFER IS TO BE GRANTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(e)(3) through (5).

In subsection (a) of this section, the reference to "a license issued as an exception to the population and numerical limitations specified in 'Rule 19 – Population and Numerical Limitations' of the Rules and Regulations of the Board" is substituted for the former reference to "the exceptions from the population requirements provided for in the rules of the Board" for clarity and consistency with terminology used throughout this title.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 13-101

"Hotel" § 1-101

"License" § 1-101

"On-sale" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

13-1704. PAYMENT OF TAXES.

THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE BOARD IS PRESENTED WITH A RECEIPT OR CERTIFICATE FROM THE DIRECTOR OF FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE THE COUNTY OR THE STATE ARE PAID.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(e)(6).

The reference to a requirement to show that “all personal property taxes due the County or the State are paid” is substituted for the former requirement to show that “there are no unpaid taxes due on the merchandise, fixtures, or stock of the transferor to Baltimore County or the State of Maryland” for clarity and consistency.

The former phrase “within its jurisdiction” is deleted as unnecessary because the authority of the Board does not extend outside of its jurisdiction.

Defined terms: “Board” § 13–101

“County” § 13–101

“License” § 1–101

“State” § 1–101

13–1705. TRANSFERS INTO TOWSON COMMERCIAL REVITALIZATION DISTRICT.

(A) IN GENERAL.

(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA LIMITATIONS ESTABLISHED BY THE BOARD AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE TRANSFER INTO THE TOWSON COMMERCIAL REVITALIZATION DISTRICT, AS DEFINED BY THE BALTIMORE COUNTY COUNCIL, OF NOT MORE THAN 10 BEER, WINE, AND LIQUOR (ON-SALE) LICENSES THAT:

(I) WERE ISSUED ON OR BEFORE DECEMBER 31, 2008;

(II) WERE IN EXISTENCE IN ELECTION DISTRICT 15 OF THE COUNTY ON JUNE 1, 2009; AND

(III) ARE VALID ON THE DATE OF TRANSFER.

(2) TO BE TRANSFERRED UNDER THIS SECTION, A LICENSE:

(I) SHALL BE A CLASS B OR A CLASS D LICENSE; AND

(II) MAY NOT BE A LICENSE THAT IS PROHIBITED FROM BEING TRANSFERRED BY STATUTE OR REGULATION.

(3) FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT, THE BOARD SHALL CONSIDER A LICENSE TRANSFERRED UNDER THIS SECTION TO BE A REGULAR LICENSE AND NOT AN EXCEPTION TO THE POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN “RULE 19 – POPULATION AND NUMERICAL LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD.

(4) ON THE DATE OF TRANSFER, A LICENSE TRANSFERRED UNDER THIS SECTION SHALL BE CONVERTED INTO A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE AND MAY NOT BE COUNTED TOWARD ANY POPULATION LIMIT EXISTING IN THE ELECTION DISTRICT FROM WHERE IT WAS TRANSFERRED.

(B) REQUIREMENTS SAME AS FOR HOTEL AND RESTAURANT LICENSE.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE LICENSE ISSUANCE REQUIREMENTS, LICENSE FEE, MINIMUM SQUARE FOOT AREA REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND DAYS AND HOURS OF SALE FOR A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) (ON-SALE) LICENSE ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.

(C) ADDITIONAL REQUIREMENTS.

(1) A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE TOWSON COMMERCIAL REVITALIZATION DISTRICT, AS DEFINED BY THE BALTIMORE COUNTY COUNCIL.

(2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND IN THE REGULATIONS OF THE BOARD.

(3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT.

(4) THE SEATING CAPACITY FOR THE BAR AREA MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE RESTAURANT.

(5) EXCEPT AS PROVIDED IN SUBSECTION (D)(2)(II) OF THIS SECTION, THE AREA DEDICATED TO THE RESTAURANT OPERATION SHALL HAVE A MINIMUM SEATING CAPACITY OF 100 INDIVIDUALS.

(6) THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS DURING WHICH FOOD IS OFFERED FOR SALE.

(7) THE LICENSE DOES NOT CONFER AN OFF-SALE PRIVILEGE.

(D) REQUIREMENTS FOR RESTAURANTS.

OF THE RESTAURANTS FOR WHICH A CLASS B OR CLASS D LICENSE MAY BE TRANSFERRED AND A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE MAY BE ISSUED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE BOARD MAY REQUIRE THAT:

(1) FOR NOT MORE THAN SEVEN RESTAURANTS, APPLICANTS FOR LICENSE TRANSFER AND ISSUANCE DEMONSTRATE A MINIMUM CAPITAL INVESTMENT, EXCLUDING THE COSTS OF THE LAND AND BUILDING SHELL, OF \$500,000; AND

(2) FOR NOT MORE THAN THREE RESTAURANTS:

(I) APPLICANTS FOR LICENSE TRANSFER AND ISSUANCE DEMONSTRATE A CAPITAL INVESTMENT, EXCLUDING THE COSTS OF THE LAND AND BUILDING SHELL, OF NOT LESS THAN \$50,000 OR MORE THAN \$400,000; AND

(II) THE AREA DEDICATED TO THE RESTAURANT OPERATION HAVE:

1. A MAXIMUM SEATING CAPACITY OF 100 INDIVIDUALS, WITH THE SEATING CAPACITY IN THE BAR AREA NOT EXCEEDING 25% OF THE TOTAL SEATING CAPACITY OF THE RESTAURANT; AND

2. A MINIMUM SEATING CAPACITY OF 40 INDIVIDUALS.

(E) GROUNDS FOR DENYING AN APPLICATION FOR TRANSFER.

THE BOARD SHALL DENY AN APPLICATION FOR TRANSFER OF A CLASS B OR CLASS D LICENSE AND ISSUANCE OF A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE IF WITHIN 2 YEARS IMMEDIATELY PRECEDING THE APPLICATION:

(1) (I) THE APPLICANT WAS A HOLDER OF AN ON-SALE LICENSE WITHIN THE BOUNDARIES OF THE TOWSON COMMERCIAL REVITALIZATION DISTRICT; OR

(II) THERE WAS AN ON-SALE LICENSE IN EXISTENCE FOR THE PROPOSED PREMISES OF THE APPLICANT; AND

(2) THE PREVIOUS ON-SALE LICENSE WAS TRANSFERRED TO PREMISES OUTSIDE OF THE TOWSON COMMERCIAL REVITALIZATION DISTRICT.

(F) NO TRANSFERS OUT OF THE DISTRICT OR CONVERSIONS INTO ANOTHER LICENSE.

A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE ISSUED UNDER THIS SECTION MAY NOT BE TRANSFERRED FROM THE TOWSON COMMERCIAL REVITALIZATION DISTRICT OR BE CONVERTED INTO ANY OTHER CLASS OF LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.3(b) through (g).

In subsection (a)(3) of this section, the reference to the title of “Rule 19 – Population and Numerical Limitations’ of the Rules and Regulations of the Board” is substituted for the former reference to “the rule of the Board of Liquor License Commissioners that limits the total number of licenses available by population” for clarity.

In subsection (a)(4) of this section, the reference to “count[ing] toward any population limit existing” in the election district is substituted for the former reference to “constru[ing] to exist” in the election district for clarity.

In subsection (e)(1)(i) of this section, the former reference to a license “issued under this article” is deleted as unnecessary in light of the defined term “license”.

Former Art. 2B, § 8–204.3(a), which stated that former Art. 2B, § 8–204.3 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“County” § 13–101

“Hotel” § 1–101

“License” § 1–101

“Off-sale” § 1-101

“On-sale” § 1-101

“Restaurant” § 1-101

“Wine” § 1-101

13-1706. TRANSFERS INTO HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT.

(A) TRANSFER OF TWO BEER, WINE, AND LIQUOR LICENSES.

(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA LIMITATIONS ESTABLISHED BY THE BOARD AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE TRANSFER INTO THE “HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT” AS DESIGNATED IN THE HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE BALTIMORE COUNTY COUNCIL ON OCTOBER 19, 1998, OF TWO BEER, WINE, AND LIQUOR (ON-SALE) RETAIL LICENSES THAT:

(I) WERE IN EXISTENCE IN ELECTION DISTRICT 15 ON JULY 1, 2004; AND

(II) ARE VALID ON THE DATE OF TRANSFER.

(2) A LICENSE TRANSFERRED UNDER THIS SECTION:

(I) MAY NOT BE A CLASS A OR C LICENSE OR A LICENSE THAT IS PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION OTHER THAN CROSSING DISTRICT LINES;

(II) SHALL BE CONVERTED INTO A CLASS B (HV) LICENSE; AND

(III) AS OF THE DATE OF TRANSFER, MAY NOT BE COUNTED TOWARD ANY POPULATION LIMIT EXISTING IN ELECTION DISTRICT 15.

(3) FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT, THE BOARD SHALL CONSIDER A LICENSE TRANSFERRED UNDER THIS SECTION TO BE A REGULAR LICENSE AND NOT AN EXCEPTION TO THE POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN “RULE 19 – POPULATION AND NUMERICAL LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD.

(B) REQUIREMENTS SAME AS FOR HOTEL AND RESTAURANT LICENSES.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE LICENSE ISSUANCE REQUIREMENTS, LICENSE FEE, MINIMUM SQUARE FOOT AREA

REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND DAYS AND HOURS OF SALE FOR A CLASS B (HV) RESTAURANT (ON-SALE) BEER, WINE, AND LIQUOR LICENSE ARE THE SAME AS THOSE PROVIDED FOR IN THIS ARTICLE AND IN THE REGULATIONS OF THE BOARD FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.

(C) ADDITIONAL REQUIREMENTS.

(1) A CLASS B (HV) RESTAURANT (ON-SALE) BEER, WINE, AND LIQUOR RETAIL LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE “HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT” AS DESIGNATED IN THE HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE BALTIMORE COUNTY COUNCIL ON OCTOBER 19, 1998.

(2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND THE REGULATIONS OF THE BOARD.

(3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

(4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED PRIMARILY FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT.

(5) SUBJECT TO SUBSECTION (D)(5) OF THIS SECTION, THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS FOR WHICH FOOD IS OFFERED FOR SALE.

(D) ADDITIONAL RESTRICTIONS.

(1) THE CLASS B (HV) RESTAURANT BEER, WINE, AND LIQUOR LICENSE AUTHORIZES ON-PREMISES CONSUMPTION.

(2) ONCE ISSUED, THE LICENSE MAY NOT BE:

(I) TRANSFERRED TO A NEW LOCATION OTHER THAN THE ORIGINAL LOCATION FOR WHICH THE LICENSE WAS ISSUED; OR

(II) CONVERTED INTO ANY OTHER CLASS OF LICENSE.

(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT PROHIBIT THE TRANSFER OF OWNERSHIP OF THE LICENSE.

(4) THE PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING REGULATIONS.

(5) ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT ONLY UNTIL 1:30 A.M.

(E) LIMIT OF THREE BEER, WINE, AND LIQUOR LICENSES.

THE BOARD MAY NOT ISSUE MORE THAN A TOTAL OF THREE BEER, WINE, AND LIQUOR LICENSES IN THE “HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT” UNDER THE EXCEPTIONS IN “RULE 19 – POPULATION AND NUMERICAL LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.4(b) through (i).

In the introductory language of subsection (a)(1) of this section, the reference to limitations “established by the Board” is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the reference to a license authorized for issuance “in the County” is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to a license authorized for issuance “under this article” is deleted as unnecessary.

In subsection (a)(2)(iii) of this section, the reference to “count[ing] toward any population limit existing” in Election District 15 is substituted for the former reference to “constru[ing] to exist” in Election District 15 for clarity.

In subsection (a)(3) of this section, the reference to the title of “Rule 19 – Population and Numerical Limitations’ of the Rules and Regulations of the Board” is substituted for the former reference to “the rule of the Board ... that limits the total number of licenses available by population” for clarity.

In subsection (b) of this section, the reference to “requirements” is substituted for the former reference to “restrictions and qualifications” for brevity.

Also in subsection (b) of this section, the former references to requirements “in the licensed establishment” and “for the licensed establishment” are deleted as surplusage.

In subsection (c)(1) of this section, the former reference to the license “established by this section” is deleted as unnecessary.

In subsection (d)(1) of this section, the reference to on–premises “consumption” is substituted for the former reference to on–premises “sales” to conform to the terminology used throughout this article.

In subsection (d)(4) of this section, the former reference to the “proposed” premises is deleted as surplusage.

In subsection (e) of this section, the reference to the title of Rule 19 “Population and Numerical Limitations” is added for clarity.

Former Art. 2B, § 8–204.4(a), which stated that former Art. 2B, § 8–204.4 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 13–101

“County” § 13–101

“Hotel” § 1–101

“License” § 1–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

13–1707. TRANSFERS INTO QUARRY AT GREENSPRING, OWINGS MILLS METRO STATION, AND PROMENADE AT CATONSVILLE.

(A) SCHEDULE OF AUTHORIZED TRANSFERS.

(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA LIMITATIONS ESTABLISHED BY THE BOARD AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE TRANSFER OF THE NUMBER OF CLASS B AND CLASS D BEER, WINE, AND LIQUOR (ON–SALE) RETAIL LICENSES IN EXISTENCE IN ELECTION DISTRICT 15 ON JANUARY 15, 2005, AND VALID ON THE DATE OF TRANSFER, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

(I) TWO TO THE QUARRY AT GREENSPRING, TO BE KNOWN AS (QG) LICENSES, ON OR AFTER APRIL 1, 2005, LOCATED AT LOTS 1 THROUGH 9, INCLUSIVE, IDENTIFIED ON THE PLAT OF GREENSPRING QUARRY, AREAS F, G, AND K, DATED DECEMBER 21, 2004, AND DELIVERED TO THE COUNTY FOR RECORDING ON DECEMBER 29, 2004;

(II) THREE TO THE AREA OF STATE-OWNED LAND ADJACENT TO AND ABUTTING THE OWINGS MILLS METRO STATION, GOVERNED BY A MASTER DEVELOPMENT AGREEMENT CREATING THE METRO CENTER AT OWINGS MILLS, TO BE KNOWN AS (MCOM) LICENSES, ON OR AFTER OCTOBER 1, 2005; AND

(III) THREE TO THE PROMENADE AT CATONSVILLE, TO BE KNOWN AS (PC) LICENSES, ON OR AFTER APRIL 1, 2006, LOCATED AT AND IDENTIFIED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION MAP 101, PARCELS 132, 516, 1088, 1344, 1804, AND 1985.

(2) A LICENSE TRANSFERRED FROM ELECTION DISTRICT 15 UNDER THIS SECTION:

(I) MAY NOT BE A CLASS A OR C LICENSE OR A LICENSE THAT IS PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION OTHER THAN THE PROHIBITION AGAINST CROSSING DISTRICT LINES;

(II) FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT, SHALL BE CONSIDERED TO BE A REGULAR LICENSE IN ITS NEW LOCATION AND NOT AN EXCEPTION TO THE POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN "RULE 19 – POPULATION AND NUMERICAL LIMITATIONS" OF THE RULES AND REGULATIONS OF THE BOARD;

(III) SHALL BE CONVERTED INTO A CLASS B (QG), (MCOM), OR (PC) LICENSE; AND

(IV) AS OF THE DATE OF TRANSFER, MAY NOT BE COUNTED TOWARD ANY POPULATION LIMIT EXISTING IN ELECTION DISTRICT 15.

(B) REQUIREMENTS SAME AS FOR HOTEL AND RESTAURANT LICENSE.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE LICENSE ISSUANCE AND RENEWAL REQUIREMENTS, MINIMUM SQUARE FOOT AREA REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND DAYS AND HOURS OF SALE FOR A CLASS B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE) BEER, WINE, AND LIQUOR RETAIL LICENSE ARE THE SAME AS THOSE PROVIDED FOR IN THIS ARTICLE AND IN THE REGULATIONS OF THE BOARD FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.

(C) ADDITIONAL REQUIREMENTS.

(1) A CLASS B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE) BEER, WINE, AND LIQUOR RETAIL LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE GEOGRAPHIC AREAS IDENTIFIED IN SUBSECTION (A)(1) OF THIS SECTION.

(2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND THE REGULATIONS OF THE BOARD.

(3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

(4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED PRIMARILY FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT.

(5) SUBJECT TO SUBSECTION (D)(5) OF THIS SECTION, THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS FOR WHICH FOOD IS OFFERED FOR SALE.

(D) ADDITIONAL RESTRICTIONS.

(1) A CLASS B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE) BEER, WINE, AND LIQUOR RETAIL LICENSE AUTHORIZES ON-PREMISES CONSUMPTION.

(2) ONCE ISSUED, THE LICENSE MAY NOT BE:

(I) TRANSFERRED TO A NEW LOCATION OUTSIDE THE GEOGRAPHIC AREA, AS DEFINED IN SUBSECTION (A)(1) OF THIS SECTION, FOR WHICH THE LICENSE WAS ISSUED; OR

(II) CONVERTED INTO ANY OTHER CLASS OF LICENSE.

(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT PROHIBIT THE TRANSFER OF:

(I) THE OWNERSHIP OF A LICENSE; OR

(II) THE LOCATION OF A LICENSED ESTABLISHMENT WITHIN THE GEOGRAPHIC AREA AS DEFINED IN SUBSECTION (A)(1) OF THIS SECTION.

(4) THE PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING REGULATIONS.

(5) ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT ONLY UNTIL 1:30 A.M.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.5(b) through (h).

In the introductory language of subsection (a)(1) of this section, the reference to limitations “established by the Board” is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the reference to a license authorized for issuance “in the County” is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to a license authorized for issuance “under this article” is deleted as unnecessary.

In subsection (a)(2)(ii) of this section, the reference to “the population and numerical limitations specified in ‘Rule 19 – Population and Numerical Limitations’ of the Rules and Regulations of the Board” is substituted for the former reference to the “rule of the Board ... that limits the total number of licenses available by population” for clarity.

In subsection (a)(2)(iv) of this section, the reference to “count[ing] toward any population limit existing” in Election District 15 is substituted for the former reference to “constru[ing] to exist” in Election District 15 for clarity.

In subsection (b) of this section, the reference to “requirements” is substituted for the former reference to “restrictions and qualifications” for brevity.

Also in subsection (b) of this section, the former references to requirements “in the licensed establishment” and “for the licensed establishment” are deleted as surplusage.

In subsection (c)(1) of this section, the former reference to the license “established by this section” is deleted as unnecessary.

In subsection (d)(1) of this section, the reference to on–premises “consumption” is substituted for the former reference to on–premises “sales” to conform to the terminology used throughout this article.

In subsection (d)(2)(i) of this section, the former reference to the license that was “originally” issued is deleted as surplusage.

In subsection (d)(4) of this section, the former reference to a “proposed” premises is deleted as surplusage.

Former Art. 2B, § 8–204.5(a), which stated that former Art. 2B, § 8–204.5 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 13–101

“County” § 13–101

“Hotel” § 1–101

“License” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

“State” § 1–101

“Wine” § 1–101

13–1708. PIKESVILLE REVITALIZATION AREA AND PIKESVILLE TOWN CENTER.

(A) TRANSFER AND CONVERSION OF NOT MORE THAN 10 LICENSES.

(1) NOTWITHSTANDING ANY LICENSE POPULATION QUOTA LIMITATION, THE BOARD MAY ISSUE NOT MORE THAN 10 CLASS B (SB) RESTAURANT–SERVICE BAR BEER, WINE, AND LIQUOR LICENSES FOR ON–PREMISES CONSUMPTION IN THE “PIKESVILLE REVITALIZATION AREA” OR “PIKESVILLE TOWN CENTER” FOR CONVERSION PURPOSES ONLY, AS PROVIDED UNDER PARAGRAPH (2) OF THIS SECTION.

(2) (I) EXCEPT FOR CLASS C LICENSES, NOT MORE THAN 10 BEER, WINE, AND LIQUOR (ON–SALE) RETAIL LICENSES OF ANY CLASS THAT WERE IN EXISTENCE IN THE COUNTY ON JANUARY 1, 1988, MAY BE TRANSFERRED INTO THE “PIKESVILLE REVITALIZATION AREA” OR THE “PIKESVILLE TOWN CENTER” AND CONVERTED INTO CLASS B (SB) LICENSES.

(II) ONCE TRANSFERRED, A LICENSE MAY NOT BE CONSIDERED A LICENSE IN THE DISTRICT FROM WHICH IT WAS TRANSFERRED.

(B) LICENSE RESTRICTIONS.

(1) A LICENSE:

(I) MAY BE ISSUED ONLY FOR A LOCATION IN THE “PIKESVILLE REVITALIZATION AREA”, OR THE “PIKESVILLE TOWN CENTER”, AS THOSE TERMS

ARE DEFINED BY THE COUNTY OFFICE OF PLANNING AND ZONING ON OR BEFORE JULY 1, 1988; AND

(II) MAY NOT BE ISSUED FOR A LOCATION THAT HAS BEEN LICENSED UNDER ANY CLASS OF ON-SALE LICENSE WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B (SB) LICENSE IS FILED.

(2) THE LICENSE SHALL BE:

(I) USED WITH THE OPERATION OF A “RESTAURANT” AS DEFINED BY THE RULES OF THE BOARD; AND

(II) RESTRICTED TO RESTAURANTS THAT HAVE TABLE SERVICE, SPECIFICALLY EXCLUDING ANY TYPE OF SERVICE WHILE THE CUSTOMER STANDS OR ACCEPTS DELIVERY OF PURCHASED FOOD ITEMS OTHER THAN WHILE SEATED AT A TABLE.

(3) THE PROPOSED LOCATION FOR THE LICENSE SHALL OTHERWISE COMPLY WITH THE ZONING ORDINANCES OF THE COUNTY.

(4) THE LICENSE MAY NOT BE:

(I) TRANSFERRED OUTSIDE OF THE “PIKESVILLE REVITALIZATION AREA” OR “PIKESVILLE TOWN CENTER”; OR

(II) CONVERTED TO ANY OTHER CLASS OF LICENSE.

(5) THE ISSUANCE QUALIFICATIONS, FEE, AND HOURS AND DAYS OF SALE FOR THE LICENSE ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.2.

In subsection (a)(1) and (2)(i) of this section, the reference to “not more than” 10 licenses is added for clarity.

In subsection (a)(2)(i) of this section, the former phrase “at any location” in the County is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the former phrase “use on premises” is deleted as included in the phrase “for a location”.

In subsection (b)(4) of this section, the former phrase “once issued” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“County” § 13–101

“License” § 1–101

“On-sale” § 1–101

“Wine” § 1–101

SUBTITLE 18. RENEWAL OF LICENSES.

13–1801. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”);**
- (4) § 4–406 (“PROTESTS”);**
- (5) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (6) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (7) § 4–409 (“MULTIPLE LICENSES”); AND**
- (8) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

(B) EXCEPTION.

SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 13–1802 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 13–101
“License” § 1–101

13–1802. FILING PERIOD FOR RENEWAL APPLICATION.

(A) IN GENERAL.

TO RENEW A LICENSE, A LICENSE HOLDER ANNUALLY SHALL FILE AN APPLICATION WITH THE BOARD BETWEEN FEBRUARY 1 AND MARCH 31, INCLUSIVE.

(B) LATE FILING.

THE BOARD MAY:

(1) ACCEPT A LATE RENEWAL APPLICATION DURING APRIL; AND

(2) CHARGE THE LICENSE HOLDER AN AMOUNT NOT EXCEEDING \$50 FOR EACH DAY THE APPLICATION IS LATE, UP TO A MAXIMUM AMOUNT OF \$500.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(m)(2) and (3).

In subsection (a) of this section, the reference to filing an application “with the Board” is added for clarity.

Also in subsection (a) of this section, the former reference to renewal “in accordance with provisions of this section” is deleted as included in the cross-reference to the statewide provisions under § 13–1801 of this subtitle.

In subsection (b)(1) of this section, the reference to “renewal” applications is added for clarity and consistency within this revision.

Also in subsection (b)(1) of this section, the reference authorizing the Board to “accept” late applications is substituted for the former reference authorizing the Board to “receive” late applications for clarity.

Defined terms: “Board” § 13–101
“License” § 1–101
“License holder” § 1–101

13–1803. PAYMENT OF TAXES.

THE BOARD MAY NOT RENEW A LICENSE UNTIL THE APPLICANT PRESENTS TO THE BOARD A RECEIPT OR CERTIFICATE ISSUED BY THE OFFICE OF BUDGET AND

FINANCE SHOWING THAT THERE ARE NO UNPAID TAXES ON THE INVENTORY AND PERSONAL PROPERTY OF THE APPLICANT DUE TO THE COUNTY OR STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(m)(1).

The reference to a receipt or certificate “issued by” the Office of Budget and Finance is added for clarity.

The reference to the “Office of Budget and Finance” is substituted for the former reference to the “office of finance” to reflect the current name of that office.

Defined terms: “Board” § 13–101

“County” § 13–101

“License” § 1–101

“State” § 1–101

13–1804. HOLDERS OF OUT-OF-STATE LICENSES.

NOTWITHSTANDING § 13–1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(4), as it related to the renewal of a license by a person who holds an out-of-state license.

The phrase “[n]otwithstanding § 13–1502 of this title,” is added to clarify that this section is an exception to § 13–1502.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out-of-state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out-of-state license for clarity and to avoid the implication that a licensee can obtain an out-of-state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 13–101

“State” § 1–101

“Wine” § 1–101

13–1805. MULTIPLE LICENSES.

NOTWITHSTANDING § 13–1503 OF THIS TITLE, A PERSON THAT HAS AN INTEREST IN MORE THAN ONE CLASS A LICENSE MAY RENEW THE LICENSES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–301(1)(i)2, as it related to the renewal of a license.

The phrase “[n]otwithstanding § 13–1503 of this title,” is added to clarify that this section is an exception to § 13–1503.

The former reference to “off–sale” is deleted as surplusage.

Defined term: “Person” § 1–101

SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.

13–1901. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4–505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4–508 (“DISPLAY OF LICENSE”).**

(B) VARIATION.

SECTION 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, IN ADDITION TO § 13–1902 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 13–101

“License” § 1–101

“License holder” § 1–101

13–1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.

A MEMBER OF A LICENSE HOLDER’S IMMEDIATE FAMILY WHO IS UNDER THE AGE OF 18 YEARS MAY NOT BE EMPLOYED BY THE LICENSE HOLDER TO SELL, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–302(b)(3).

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

13–1903. UNLOCKED ENTRANCE TO CLASS D BEER, WINE, AND LIQUOR PREMISES.

AT LEAST ONE ENTRANCE TO THE PREMISES OF A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE SHALL BE UNLOCKED WHEN ALCOHOLIC BEVERAGES ARE SOLD OR CONSUMED.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–204(b).

The phrase “[a]t least” is added to state expressly what was only implied in the former law, that a minimum of one entrance to the licensed premises is required to be unlocked.

The former phrase “at all times” is deleted as surplusage.

Former Art. 2B, § 12–204(a), which stated that former Art. 2B, § 12–204 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Wine” § 1–101

SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.

13–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.

(A) IN GENERAL.

(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.

(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Baltimore County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former references to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found

consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

13–2002. BEER LICENSES.

RESERVED.

13–2003. BEER AND WINE LICENSES.

(A) CLASS A BEER AND WINE LICENSES.

(1) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO MIDNIGHT.

(2) FROM 7 A.M. TO 9 P.M., THE LICENSE HOLDER MAY SELL BEER AND WINE ON THE SUNDAY IMMEDIATELY BEFORE:

- (I) CHRISTMAS DAY;**
- (II) NEW YEAR’S DAY;**
- (III) ROSH HASHANAH; AND**
- (IV) YOM KIPPUR.**

(3) THE LICENSE HOLDER MAY SELL BEER AND WINE ON THE TWO SUNDAYS IMMEDIATELY BEFORE PASSOVER IF:

(I) THE LICENSE HOLDER DOES NOT SELL BEER AND WINE ON THE TWO SATURDAYS IMMEDIATELY BEFORE PASSOVER;

(II) THE SALES ARE CONDUCTED ON THOSE SUNDAYS FROM 6 A.M. TO MIDNIGHT; AND

(III) THE SALES ARE LIMITED TO BEER AND WINE THAT ARE “KOSHER FOR PASSOVER”.

(B) CLASS B BEER AND WINE LICENSES.

(1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON EACH DAY OF THE WEEK FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY SELL BEER AND WINE AT A BAR OR COUNTER ON SUNDAY.

(3) FROM 7 A.M. TO 9 P.M., THE HOLDER OF A CLASS B ON-SALE AND OFF-SALE BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:

- (I) CHRISTMAS DAY;
- (II) NEW YEAR’S DAY;
- (III) ROSH HASHANAH; AND
- (IV) YOM KIPPUR.

(C) CLASS C BEER AND WINE LICENSES.

(1) A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE ON EACH DAY OF THE WEEK FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY SELL BEER AND WINE AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER AND WINE LICENSES.

(1) A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) FROM 7 A.M. TO 9 P.M., A HOLDER OF A CLASS D ON-SALE AND OFF-SALE BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:

- (I) CHRISTMAS DAY;**
- (II) NEW YEAR’S DAY;**
- (III) ROSH HASHANAH; AND**
- (IV) YOM KIPPUR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–302(a)(1), (b)(1) and (3), (c)(1) and (3), and (d)(1) and (3) and 11–403(a)(4)(iii) and, as they related to beer and wine licenses, (ii) and (iv).

Former Art. 2B, § 11–403(a)(4)(i), which stated that former Art. 2B, § 11–403(a)(4) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101
“Wine” § 1–101

13–2004. BEER, WINE, AND LIQUOR LICENSES.

(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO MIDNIGHT.

(2) FROM 7 A.M. TO 9 P.M., THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY BEFORE:

- (I) CHRISTMAS DAY;**
- (II) NEW YEAR’S DAY;**
- (III) ROSH HASHANAH; AND**
- (IV) YOM KIPPUR.**

(3) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE TWO SUNDAYS IMMEDIATELY BEFORE PASSOVER IF:

(I) THE LICENSE HOLDER DOES NOT SELL BEER, WINE, AND LIQUOR ON THE TWO SATURDAYS IMMEDIATELY BEFORE PASSOVER;

(II) THE OFF-PREMISES SALES ARE CONDUCTED ON THOSE SUNDAYS FROM 6 A.M. TO MIDNIGHT; AND

(III) THE SALES ARE LIMITED TO BEER, WINE, AND LIQUOR THAT ARE “KOSHER FOR PASSOVER”.

(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(3) FROM 7 A.M. TO 9 P.M., THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:

(I) CHRISTMAS DAY;

(II) NEW YEAR’S DAY;

(III) ROSH HASHANAH; AND

(IV) YOM KIPPUR.

(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON EACH DAY OF THE WEEK FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) FROM 7 A.M. TO 9 P.M., A HOLDER OF A CLASS D ON-SALE AND OFF-SALE BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:

- (I) CHRISTMAS DAY;**
- (II) NEW YEAR’S DAY;**
- (III) ROSH HASHANAH; AND**
- (IV) YOM KIPPUR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–303(a)(1), (b)(1), (c)(1), and (d)(1) and (3) and 11–403(a)(4)(iii) and, as it related to beer, wine, and liquor licenses, (ii) and (iv).

In subsection (d) of this section, the phrase “the following day” is added to conform with the terminology used throughout this article.

Defined terms: “Beer” § 1–101
“Wine” § 1–101

13–2005. HOURS ON JANUARY 1.

A LICENSE HOLDER MAY NOT BE REQUIRED TO CLOSE THE LICENSED PREMISES AT ANY TIME ON JANUARY 1.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(e)(2).

The former reference to January 1 “of any year” is deleted as surplusage.

The former language that authorized the license holder to sell alcoholic beverages that are authorized by the license at any time on January 1 is deleted as implicit in the prohibition against requiring a license holder to close the licensed premises at any time on January 1.

Former Art. 2B, § 11-402(e)(1), which stated that former Art. 2B, § 11-402(e)(1) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “License holder” § 1-101

13-2006. HOURS WHEN CONSUMPTION PROHIBITED — JANUARY 1 EXCEPTION.

SECTION 13-2503 OF THIS TITLE, WHICH PROHIBITS A PERSON FROM CONSUMING ALCOHOLIC BEVERAGES ON CERTAIN PREMISES AND PLACES, DOES NOT APPLY TO ACTIVITIES THAT ARE CONDUCTED ON JANUARY 1 BY LICENSE HOLDERS WHO ARE ALLOWED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(e)(2).

The reference to “license holders who are allowed to sell alcoholic beverages for on-premises consumption” is substituted for the former reference to “on-sale licensees” for consistency with terminology used throughout this article.

The reference to § 13-2503 of this title “which prohibits a person from consuming alcoholic beverages on certain premises and places” is added for clarity.

Defined terms: “Alcoholic beverage” § 1-101

“License holder” § 1-101

“Person” § 1-101

13-2007. CONSUMPTION OR TRANSFER OF ALCOHOLIC BEVERAGES THAT ARE BROUGHT ONTO PREMISES.

(A) IN GENERAL.

ALCOHOLIC BEVERAGES MAY NOT BE BROUGHT ONTO A PREMISES AND CONSUMED OR TRANSFERRED IF:

(1) THE PREMISES IS A PLACE OF PUBLIC ENTERTAINMENT; AND

(2) THE ENTERTAINMENT IS OF THE TYPE LISTED UNDER § 4-605(B) THROUGH (D) OF THIS ARTICLE.

(B) PENALTY.

(1) A PERSON WHO OPERATES A PLACE OF PUBLIC ENTERTAINMENT WHO KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION ON THE PREMISES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A SEPARATE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(e)(3).

Defined terms: “Alcoholic beverage” § 1–101
“Person” § 1–101

SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.

13–2101. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);
- (2) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND
- (3) § 4–606 (“EFFECTS OF REVOCATION”).

(B) EXCEPTION.

SECTION 4–605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 13–2103 OF THIS SUBTITLE.

(C) VARIATION.

SECTION 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13–2102 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “County” § 13–101

“License” § 1–101

“Local licensing board” § 1–101

**13–2102. NOTICE OF COMPLAINT INITIATING LICENSE REVOCATION OR
SUSPENSION PROCEDURES.**

(A) IN GENERAL.

**IN ADDITION TO PROCEDURES UNDER § 4–603 OF THIS ARTICLE, THE BOARD
SHALL NOTIFY THE LICENSE HOLDER OF THE COMPLAINT BY:**

**(1) PERSONAL SERVICE ON THE LICENSE HOLDER OR ANY ADULT
EMPLOYEE OF THE LICENSE HOLDER; OR**

**(2) ANY OTHER METHOD OF SERVICE OF NOTICE THAT CONFORMS
WITH MARYLAND RULES 2–121 AND 2–122.**

(B) NOTICE GIVEN TO EMPLOYEE.

**IF NOTICE IS GIVEN TO AN ADULT EMPLOYEE OF THE LICENSE HOLDER UNDER
SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL MAIL A COPY OF THE NOTICE
OR A LETTER DESCRIBING THE CONTENTS OF THE NOTICE TO THE HOME OR
BUSINESS ADDRESS OF THE LICENSE HOLDER WITHIN 72 HOURS AFTER THE NOTICE
IS GIVEN TO THE ADULT EMPLOYEE.**

REVISOR’S NOTE: This section is new language derived without substantive
change from former Art. 2B, § 10–403(c)(2) and (3).

In the introductory language of subsection (a) and in subsection (b) of this
section, the references to “the Board” are added to clarify that the Board is
required to fulfill notification requirements.

Also in the introductory language of subsection (a) and in subsection (b) of this
section, the former references to the “service of” notice are deleted as
surplusage.

In the introductory language of subsection (a) of this section, the phrase “[i]n
addition to the procedures under § 4–603 of this article,” is added for clarity.

Also in the introductory language of subsection (a) of this section, the former
reference to the “charges of” complaint is deleted as surplusage.

In subsection (b) of this section, the reference to within 72 hours “after the notice is given” is substituted for the former reference to within 72 hours “of the day service is given” for clarity.

Former Art. 2B, § 10–403(c)(1), as it related to applying former Art. 2B, § 10–403(c) to Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 13–101

“License holder” § 1–101

13–2103. NUDITY AND SEXUAL DISPLAYS.

(A) “ADULT ENTERTAINMENT” DEFINED.

IN THIS SECTION, “ADULT ENTERTAINMENT”:

(1) MEANS PERFORMANCES AT LICENSED PREMISES THAT ARE COMMONLY CALLED “GO–GO DANCING”, “MALE REVUES”, “FEMALE REVUES”, OR “EXOTIC DANCING”; AND

(2) INCLUDES PERFORMANCES BY INDIVIDUALS WHO PERFORM IN ANY MANNER WHILE IN A STATE OF DRESS IN WHICH CLOTHING COVERS NO MORE THAN THE GENITALS, PUBIC REGION, AND AREOLA OF THE FEMALE BREAST, AS WELL AS PORTIONS OF THE BODY COVERED BY SUPPORTING STRAPS AND DEVICES.

(B) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

(1) A LICENSE HOLDER THAT OFFERED ADULT ENTERTAINMENT ON LICENSED PREMISES FOR AT LEAST 5 CALENDAR DAYS BETWEEN MARCH 8, 1996, AND APRIL 8, 1996;

(2) A TRANSFEREE OF A LICENSE FROM A LICENSE HOLDER DESCRIBED IN ITEM (1) OF THIS SUBSECTION AS LONG AS THE TRANSFEREE CONTINUES TO OFFER ADULT ENTERTAINMENT ON THE SAME LICENSED PREMISES; OR

(3) A LICENSE HOLDER THAT OPERATES A THEATER, A CONCERT HALL, AN ART CENTER, A MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS PRIMARILY DEVOTED TO THE ARTS OR THEATRICAL PERFORMANCES, WHEN THE PERFORMANCES EXPRESS MATTERS OF SERIOUS LITERARY, ARTISTIC, SCIENTIFIC, OR POLITICAL VALUE.

(C) ADULT ENTERTAINMENT PROHIBITED.

A LICENSE HOLDER MAY NOT ALLOW ADULT ENTERTAINMENT ON LICENSED PREMISES OR ON PROPERTY ADJACENT TO THE LICENSED PREMISES OVER WHICH THE LICENSE HOLDER HAS OWNERSHIP OR CONTROL.

(D) PENALTY.

IF THE BOARD FINDS THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE BOARD SHALL REVOKE OR SUSPEND THE LICENSE FOR THE PREMISES WHERE THE VIOLATION OCCURRED OR IMPOSE A FINE ON THE LICENSE HOLDER OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-204(d).

In subsection (c) of this section, the former reference to "any class of alcoholic beverages" license is deleted as included in the defined term "license holder".

In subsection (d) of this section, the former reference to the license holder "for the premises where the violation occurred" is deleted as surplusage.

Defined terms: "Board" § 13-101

"License" § 1-101

"License holder" § 1-101

SUBTITLE 22. EXPIRATION OF LICENSES.

13-2201. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

SECTION 4-702(A) ("ON DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4-702(B) ("AFTER VACATION OF OR EVICTION FROM PREMISES");

(2) § 4-703 (“PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS”);

(3) § 4-704 (“LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE”);
AND

(4) § 4-705 (“POSTPONEMENT TO AVOID HARDSHIP”).

REVISOR’S NOTE: Subsection (a) of this section is new language added for clarity.

Subsection (b) of this section is new language derived without substantive change from the first phrase of the first sentence of former Art. 2B, § 10-504(a). It is revised in standard language used throughout this article to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 13-101

“License” § 1-101

“License holder” § 1-101

13-2202. PERIOD FOR WHICH LICENSE MAY BE CONSIDERED UNEXPIRED.

(A) 180-DAY RULE.

A LICENSE EXPIRES 180 DAYS AFTER THE LICENSE HOLDER HAS CLOSED THE BUSINESS OR STOPPED ACTIVE ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD UNLESS:

(1) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING;

(2) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 23 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING; OR

(3) A WRITTEN REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION IS FILED WITHIN THE 180-DAY PERIOD.

(B) APPLICATION FOR HARDSHIP EXTENSION.

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION:

(1) THE LICENSE HOLDER OR ANOTHER APPROPRIATE INTERESTED PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD TO EXTEND THE LIFE OF THE LICENSE DUE TO HARDSHIP;

(2) THE BOARD MAY GRANT THE EXTENSION IF THE BOARD FINDS AFTER A HEARING THAT EXISTING HARDSHIP CAUSED THE CLOSING OR STOPPING OF BUSINESS OPERATIONS; AND

(3) AN EXTENSION MAY NOT PROLONG THE LIFE OF THE LICENSE BEYOND 360 DAYS AFTER THE DATE OF CLOSING OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD.

(C) START AND RESTART OF UNEXPIRED PERIOD.

(1) THE PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED UNEXPIRED:

(I) BEGINS AT THE EARLIER OF THE CLOSING OF THE BUSINESS OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS; AND

(II) MAY BE SUSPENDED ONLY BY FILING AN APPLICATION OR REQUEST UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE EXPIRATION PERIOD RESUMES ON THE LAST TO OCCUR OF THE FOLLOWING EVENTS:

(I) FINAL ACTION OF THE BOARD GRANTING OR DENYING A REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION;

(II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION DESCRIBED IN SUBSECTION (A)(1) OR (2) OF THIS SECTION;

(III) FINAL JUDGMENT OF THE REVIEWING COURT IF JUDICIAL REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY SUBSECTION (A) OR (B) OF THIS SECTION HAS BEEN GRANTED; OR

(IV) DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF THE BOARD'S ACTION.

(3) IF AN APPLICATION OR REQUEST DESCRIBED IN SUBSECTION (A) OR (B) OF THIS SECTION IS WITHDRAWN:

(I) THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE MAY NOT BE SUSPENDED; AND

(II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED AS IF IT HAD NOT BEEN FILED.

(D) CLOSURE BECAUSE OF CASUALTY LOSS.

IF A LICENSED PREMISES IS FORCED TO CLOSE BECAUSE OF A CASUALTY LOSS, THE BOARD, WITHOUT CIRCUIT COURT APPROVAL, MAY EXTEND THE LICENSE FOR NOT MORE THAN 2 YEARS AFTER THE CLOSING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–504(e)(2), (3), (4), (6), (7), and the second sentence of (5).

In the introductory language of subsection (a) and in subsection (b)(3) of this section, the references to stopping alcoholic beverages operations “at the premises” for which the license is held are substituted for the former references to stopping alcoholic beverages business operations “of the business” for which the license is held to conform to terminology used throughout this article.

In subsection (a)(2) of this section, the reference to “a certificate of permission or a renewal license for continuation of business” is added for clarity.

In subsection (b)(1) and (2) of this section, the former references to “undue” hardship are deleted as surplusage.

In subsection (b)(3) of this section, the requirement that an extension does not “prolong the life of the license beyond 360 days” after the closing or stopping of business operations is substituted for the former reference to a request for an extension “for a time period of no more than a cumulative period of 360 days” after the closing or stopping of business for brevity.

In the introductory language of subsection (c)(1) of this section, the reference to the period “for which a license may be considered unexpired” is added for clarity.

Also in the introductory language of subsection (c)(1) of this section, the former reference to a “time” period is deleted as surplusage.

In subsection (c)(1)(ii) and (3)(i) of this section, the references to a period that may or may not be “suspended” are substituted for the former references to a period that may or may not be “toll[ed]” for clarity.

In the introductory language of subsection (c)(2) of this section, the former phrase “cumulatively to the time period before the filing of the application or request” is deleted as implicit in the word “resumes”.

In subsection (c)(2)(iii) of this section, the reference to judicial review being “granted” is substituted for the former reference to judicial review being “sought” for accuracy in light of subsection (c)(2)(iv) of this section that relates to “dismissal” of a petition for judicial review.

Former Art. 2B, § 10–504(e)(1)(i), which stated that former Art. 2B, § 10–504(e) applied only in Baltimore County, is deleted as unnecessary in light of the reorganization of this revised article.

Former Art. 2B, § 10–504(e)(1)(ii), which defined “Board” to mean the Board of License Commissioners for Baltimore County or the Office of the Comptroller, whichever is the issuing party, is deleted in light of the term “Board” that is defined in § 13–101 of this title.

The first sentence of former Art. 2B, § 10–504(e)(5), which stated the intent for the total period of time for which a license may be deemed unexpired, is deleted as unnecessary in light of subsections (a) and (b) of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 13–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

SUBTITLE 23. DEATH OF LICENSE HOLDER.

13–2301. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);

(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);

(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND

(4) § 4-806 (“REFUND”).

(B) VARIATION.

SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13-2302 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 13-101

“License” § 1-101

“License holder” § 1-101

13-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.

(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.

(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:

(I) THE SURVIVING SPOUSE;

(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR

(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.

(2) THE NEW LICENSE SHALL BE ISSUED:

(I) FOR THE BALANCE OF THE LICENSE YEAR; AND

(II) WITHOUT FURTHER PROCEEDINGS.

(B) RENEWAL LICENSE.

A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:

- (1) THE SURVIVING SPOUSE;**
- (2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**
- (3) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(b)(2).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 13–101

“License” § 1–101

“License holder” § 1–101

SUBTITLE 24. JUDICIAL REVIEW.**13–2401. APPLICATION OF GENERAL PROVISIONS.**

TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 13–101

SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**13–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.****(A) SCOPE OF SECTION.****THIS SECTION:****(1) APPLIES TO AN ESTABLISHMENT THAT:****(I) IS NOT LICENSED UNDER THIS TITLE; AND**

(II) SERVES OR GIVES ALCOHOLIC BEVERAGES TO A CUSTOMER OR ALLOWS A CUSTOMER TO CONSUME ALCOHOLIC BEVERAGES THAT ARE FROM SUPPLIES THAT THE CUSTOMER PREVIOUSLY PURCHASED OR RESERVED; AND

(2) DOES NOT APPLY TO AN ESTABLISHMENT LICENSED UNDER THIS TITLE.

(B) IN GENERAL.

AFTER LEGAL CLOSING HOURS FOR LICENSED PREMISES UNDER §§ 13–2004 AND 13–2005 OF THIS TITLE, AN UNLICENSED ESTABLISHMENT MAY NOT SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES, SETUPS, OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS AT A LOCATION UNDER ITS CONTROL OR POSSESSION.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–103(a), (c), and (d).

Throughout this section, the references to an “establishment” are substituted for the former references to a “bottle club” to conform to the terminology used throughout this article.

Subsection (a) of this section is revised as a substantive provision and not as a definition for clarity.

In subsection (a)(1)(ii) of this section, the references to “customer” are substituted for the former references to “patrons” for clarity.

In subsection (b) of this section, the reference to closing hours for “licensed premises” is substituted for the former reference to closing hours for “establishments” for clarity and accuracy.

Also in subsection (b) of this section, the former references to “giv[ing]” and “dispens[ing]” are deleted as included in the reference to “serv[ing]”.

Also in subsection (b) of this section, the former reference to the “premises” of an establishment is deleted as included in the reference to a “location under its control or possession”.

Former Art. 2B, § 20–103(b), which provided that former Art. 2B, § 20–103 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section the prohibition against an unlicensed establishment from “keep[ing]” alcoholic beverages after legal closing hours for licensed establishments would prove burdensome. The unlicensed establishment would have to rid itself of alcoholic beverages at closing time each day, yet reacquire them in time for the next day's opening hour. In addition, the Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the prohibition against unlicensed establishments serving, keeping, or allowing to be consumed “setups or other component parts of mixed alcoholic drinks” seems overly broad. The prohibition may include such items as ice cubes and ginger ale.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

13-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.

(A) PROHIBITION AGAINST INDIVIDUAL.

FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:

(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;

(2) A PLACE OF PUBLIC ENTERTAINMENT; OR

(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.

(B) PROHIBITION AGAINST OWNER OR MANAGER.

AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsection (a)(1) of this section, the reference to an "establishment" open to the public is substituted for the former reference to "premises" to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101
“Person” § 1–101

13–2503. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.

(A) BRINGING, CONSUMING, OR TRANSFERRING ALCOHOLIC BEVERAGES.

ALCOHOLIC BEVERAGES MAY NOT BE BROUGHT INTO AN ESTABLISHMENT AND CONSUMED OR TRANSFERRED IF THE ESTABLISHMENT IS A PLACE OF ADULT ENTERTAINMENT OF THE TYPE PROHIBITED UNDER § 4–605 OF THIS ARTICLE.

(B) PENALTY.

(1) A PERSON WHO OPERATES A PLACE OF ADULT ENTERTAINMENT WHO KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION ON THE PREMISES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A SEPARATE VIOLATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(e)(3).

In subsection (a) of this section, the references to “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsections (a) and (b) of this section, the references to “adult” entertainment are substituted for the former references to “public” entertainment for clarity.

Former Art. 2B, § 11–304(e)(1), which provided that former Art. 2B, § 11–304(e) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101
“Person” § 1–101

SUBTITLE 26. ENFORCEMENT.

13–2601. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6–202 (“INSPECTIONS”);
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);
- (3) § 6–204 (“POWER TO SUMMON WITNESSES”);
- (4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);
- (5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);
- (6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);
- (7) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND
- (8) § 6–211 (“FINES AND FORFEITURES”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 6–205 (“PEACE OFFICERS”); AND
- (2) § 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”), WHICH IS SUPERSEDED BY § 13–2602 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (b)(2) of this section are new language added to incorporate by reference general provisions relating to enforcement.

Subsection (b)(1) of this section is new language derived without substantive change from the fourth sentence of former Art. 2B, § 16–401.

Defined terms: “Alcoholic beverage” § 1–101
“County” § 13–101

“State” § 1–101

13–2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.

THE COUNTY MAY:

(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6–320 OF THIS ARTICLE; AND

(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(3).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 13–101

13–2603. AUTHORITY OF BOARD TO SUBPOENA RECORDS.

(A) IN GENERAL.

THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.

(B) REFUSAL TO COMPLY WITH SUBPOENA.

(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.

(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(iii), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined term: “Board” § 13–101

SUBTITLE 27. PROHIBITED ACTS.

13–2701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**
- (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**
- (3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6–310 (“PROVIDING FREE FOOD”);**
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**

- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-320 (“DISORDERLY INTOXICATION”);
- (13) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (16) § 6-327 (“TAX EVASION”);
- (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (18) § 6-329 (“PERJURY”).

(B) EXCEPTION.

SECTION 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 13-2702 OF THIS SUBTITLE;

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 13-2703 OF THIS SUBTITLE; AND

(3) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 13-2704 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to prohibited acts.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 8-601(b).

Defined terms: “Alcoholic beverage” § 1-101

“County” § 13-101

“License holder” § 1-101

“Retail dealer” § 1-101

“State” § 1-101

13-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

(B) DUE CAUTION STANDARD FOR NONRESIDENTS.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:

(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE

USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND

(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.

(C) BAR TO ADMINISTRATIVE ACTION.

THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(ii) and (iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “finder of fact” is substituted for the former reference to the “jury or the court sitting as a jury” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted as surplusage.

In subsection (c) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (c) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 13–101

“License holder” § 1–101

“State” § 1–101

13–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

(B) BAR TO ADMINISTRATIVE ACTION.

THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (b) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 13–101

“License holder” § 1–101

“State” § 1–101

13–2704. POSSESSION OF OPEN CONTAINER — MOTORCYCLES.

IN ADDITION TO THE PROHIBITIONS LISTED IN § 6–322 OF THIS ARTICLE, AN INDIVIDUAL MAY NOT POSSESS IN AN OPEN CONTAINER AN ALCOHOLIC BEVERAGE

WHILE ON A MOTORCYCLE LOCATED IN THE PLACES LISTED IN § 6-322, UNLESS AUTHORIZED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-303(2).

Defined term: "Alcoholic beverage" § 1-101

SUBTITLE 28. PENALTIES.

13-2801. APPLICATION OF GENERAL PROVISION.

SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 13-101

13-2802. PENALTY IMPOSED BY BOARD.

FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION OR REVOCATION OF A LICENSE, AFTER HOLDING A PUBLIC HEARING AND FINDING THAT A PERSON HAS VIOLATED AN ALCOHOLIC BEVERAGES LAW OR REGULATION, THE BOARD MAY:

- (1) IMPOSE A FINE NOT EXCEEDING \$2,000;**
- (2) SUSPEND OR REVOKE THE LICENSE; OR**
- (3) IMPOSE A FINE AND SUSPEND OR REVOKE THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(e).

In the introductory language of this section, the former reference to "rules" is deleted as included in the reference to an "regulation".

Also in the introductory language of this section, the former reference to violating the alcoholic beverages laws "affecting Baltimore County" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101
"Board" § 13-101

“License” § 1–101

“Person” § 1–101

TITLE 14. CALVERT COUNTY.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

14–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE:

(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND

(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

(B) BOARD.

“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CALVERT COUNTY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Calvert County”.

(C) COUNTY.

“COUNTY” MEANS CALVERT COUNTY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Calvert County”.

(D) LIGHT WINE.

“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (f).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

14–102. SCOPE OF TITLE.

THIS TITLE APPLIES ONLY IN CALVERT COUNTY.

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

14–103. COPY OF LEGISLATION.

A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101
“County” § 14–101

SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.

14–201. ESTABLISHED.

THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CALVERT COUNTY.

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Calvert County exists.

The name "Board of License Commissioners for Calvert County" is used instead of the commonly used name "Calvert County Liquor Board" for clarity and consistency with the terminology used throughout this article to refer to local licensing boards.

14-202. MEMBERSHIP.

(A) COMPOSITION; APPOINTMENT OF REGULAR AND SUBSTITUTE MEMBERS.

(1) THE GOVERNOR SHALL APPOINT THREE REGULAR MEMBERS AND ONE SUBSTITUTE MEMBER TO THE BOARD.

(2) THE APPOINTMENTS SHALL BE MADE:

(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR

(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.

(B) QUALIFICATIONS.

(1) EACH MEMBER OF THE BOARD SHALL BE:

(I) A RESIDENT AND VOTER OF THE COUNTY; AND

(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.

(2) ONE REGULAR MEMBER OF THE BOARD SHALL ALWAYS BE A MEMBER OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GUBERNATORIAL ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES THROUGHOUT THE STATE FOR THAT OFFICE.

(C) SUBSTITUTE MEMBER.

(1) THE SUBSTITUTE MEMBER SERVES ON THE BOARD IN THE ABSENCE OF A REGULAR MEMBER.

(2) WHEN SERVING ON THE BOARD, THE SUBSTITUTE MEMBER HAS ALL OF THE POWERS AND RESPONSIBILITIES OF A REGULAR MEMBER.

(D) TENURE.

THE TERM OF A MEMBER IS 2 YEARS.

(E) VACANCIES.

(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY THAT OCCURS DURING THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(F) REMOVAL.

(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.

(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.

(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (f)(1) and (2)(i), (iii), and (iv) and 15–110(a).

In subsections (a)(1) and (c) of this section, the references to a “substitute” member are substituted for the former references to an “alternate” member to conform to the terminology used throughout this subtitle. Similarly, in the introductory language of subsection (b)(1) of this section, the reference to “[e]ach member of the Board” is substituted for the former reference to “[t]he commissioners”.

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to “persons who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ... County’, as the case may

be” because this title applies only to the Board of License Commissioners for Calvert County.

Also in subsection (a)(1) of this section, the former phrase “[f]or the jurisdictions in which this section is effective,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In subsection (b)(1)(i) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Calvert County.

In subsection (b)(1)(ii) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” may serve as a member of a board of license commissioners.

Subsection (e) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (f)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (f)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(f)(2)(ii), which required that the alternate Board member’s term run concurrently with the terms of the regular members serving in office on July 1, 1986, is deleted as obsolete.

Defined terms: “Board” § 14–101

“County” § 14–101

“State” § 1–101

14–203. CHAIR.

IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE REGULAR MEMBERS OF THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Calvert County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The reference to “regular members” is substituted for the former reference to “appointees” for clarity and to conform to the terminology used throughout this subtitle.

Defined term: “Board” § 14–101

14–204. COMPENSATION; STAFF.

(A) COMPENSATION.

(1) THE CHAIR OF THE BOARD SHALL RECEIVE \$4,200 ANNUALLY FOR EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF THE OFFICE.

(2) EACH REGULAR MEMBER OF THE BOARD SHALL RECEIVE \$3,600 ANNUALLY FOR EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF THE OFFICE.

(3) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE \$200 FOR EACH MEETING OF THE BOARD ATTENDED AS AN ACTING REGULAR MEMBER FOR EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF THE OFFICE.

(B) STAFF.

SUBJECT TO § 14–205 OF THIS SUBTITLE, THE BOARD:

(1) MAY EMPLOY:

(I) A SECRETARY;

(II) INSPECTORS; AND

(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND

(2) SHALL SET THE COMPENSATION OF THE EMPLOYEES.

(C) CLERK AND ATTORNEY.

THE BOARD MAY APPOINT A CLERK AND AN ATTORNEY AT SALARIES THAT THE COUNTY COMMISSIONERS SET.

(D) PAYMENT OF BOARD SALARIES AND EXPENSES.

THE BOARD OF COUNTY COMMISSIONERS SHALL PAY THE SALARIES AND EXPENSES OF THE BOARD OF LICENSE COMMISSIONERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(f), 15–112(a)(2) and (f)(2)(i), and the first sentence of 10–204(f).

In subsection (a)(1) of this section, the reference to the “chair” is substituted for the former reference to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(3) of this section, the reference to a “substitute” member is substituted for the former reference to an “alternate” member to conform to the terminology used throughout this subtitle.

Also in subsection (a)(3) of this section, the former reference to receiving \$200 “compensation ... to compensate” for expenses is deleted as surplusage.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–112(f)(1), which provided that “[t]his subsection applies only in Calvert County”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 14–101
“County” § 14–101

14–205. INSPECTORS.

WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, THE BOARD MAY APPOINT FULL–TIME OR PART–TIME INSPECTORS WHO:

(1) SHALL HAVE THEIR SALARIES SET BY THE COUNTY COMMISSIONERS ON AN ANNUAL OR PER DIEM BASIS; AND

(2) SHALL BE PAID REASONABLE EXPENSES RELATED TO PERFORMANCE OF THEIR DUTIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(f)(2)(ii).

In the introductory language of this section, the former reference to “alcoholic beverages” inspectors is deleted as surplusage.

Defined terms: “Board” § 14–101
“County” § 14–101

14–206. REGULATIONS.

THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Calvert County.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Defined term: “Board” § 14–101

SUBTITLE 3. LIQUOR CONTROL.

14–301. LIQUOR CONTROL — NOT APPLICABLE.

THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 14–101

SUBTITLE 4. MANUFACTURER’S LICENSES.

14–401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”);**
- (8) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”);**
- (9) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (10) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (11) § 2–212 (“ADDITIONAL LICENSES”);**
- (12) § 2–213 (“ADDITIONAL FEES”);**
- (13) § 2–214 (“SALE OR DELIVERY RESTRICTED”);**
- (14) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);**
- (15) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**

(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND

(2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”).

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12-112(a), as it limited to specific jurisdictions, not including Calvert County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2-215 of Division I of this article. No substantive change is intended.

Former Art. 2B, § 2-208(b)(2)(vi), which provided that a Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 14-101
“Manufacturer’s license” § 1-101

14-402. HOURS AND DAYS OF SALE OR DELIVERY.

A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-101(b)(4).

Defined terms: “Alcoholic beverage” § 1–101

“Manufacturer’s license” § 1–101

SUBTITLE 5. WHOLESALER’S LICENSES.

14–501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**
- (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**
- (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**
- (6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**
- (7) § 2–307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**
- (8) § 2–308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**
- (9) § 2–309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);**
- (10) § 2–310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);**
- (11) § 2–311 (“ADDITIONAL WHOLESALER’S LICENSES”);**
- (12) § 2–312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);**
- (13) § 2–313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);**

(14) § 2–315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);

(15) § 2–316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(16) § 2–317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2–314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Subsection (b) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12–112(a), as it limited to specific jurisdictions, not including Calvert County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2–314 of this article. No substantive change is intended.

Defined terms: “County” § 14–101
“Wholesaler’s license” § 1–101

14–502. HOURS AND DAYS OF SALE OR DELIVERY.

EXCEPT AS PROVIDED § 14–503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(a).

Defined terms: “Alcoholic beverage” § 1–101
“Wholesaler’s license” § 1–101

14–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.

(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.

A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.

THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

SUBTITLE 6. BEER LICENSES.

14–601. CLASS A BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$150.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(f) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101

“Consumer” § 1–101

14–602. CLASS B BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.

(C) SPECIAL EVENT FESTIVAL PERMIT.

THE LICENSE HOLDER IS ELIGIBLE TO BE ISSUED A SPECIAL EVENT FESTIVAL PERMIT UNDER § 14-906 OF THIS TITLE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$250.

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 3-201(f) and (a)(1).

Subsection (c) of this section is new language added for clarity.

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

14-603. CLASS C BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(f) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101
“Club” § 1–101

14–604. CLASS D BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.

(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.

(C) SPECIAL EVENT FESTIVAL PERMIT.

THE LICENSE HOLDER IS ELIGIBLE TO BE ISSUED A SPECIAL EVENT FESTIVAL PERMIT UNDER § 14–906 OF THIS TITLE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$1,000.

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 3–401(f) and (a)(1).

Subsection (c) of this section is new language added for clarity.

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on– and off–premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1–101

SUBTITLE 7. LIGHT WINE LICENSES.

14–701. CLASS A LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.

(B) AUTHORIZED HOLDER.

THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE WINERY.

(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$50.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(3), (b)(1), (c)(1), and (d)(1).

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 14–101

“Light wine” § 14–101

SUBTITLE 8. BEER AND LIGHT WINE LICENSES.

14–801. CLASS A BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$300.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(f) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to the license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101
“Light wine” § 14–101

14–802. CLASS B BEER AND LIGHT WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.

(C) SPECIAL EVENT FESTIVAL PERMIT.

THE LICENSE HOLDER IS ELIGIBLE TO BE ISSUED A SPECIAL EVENT FESTIVAL PERMIT UNDER § 14–906 OF THIS TITLE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$250.

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 5–201(f) and (a)(1).

Subsection (c) of this section is new language added for clarity.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to the license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Defined terms: “Beer” § 1–101
“Hotel” § 1–101
“Light wine” § 14–101
“Restaurant” § 1–101

14–803. CLASS C BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.

A CLASS C BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(f).

Defined terms: “Beer” § 1–101
“County” § 14–101
“Light wine” § 14–101

14–804. CLASS D BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.

A CLASS D BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(f).

Defined terms: “Beer” § 1–101
“County” § 14–101
“Light wine” § 14–101

SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.

14-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**(A) ESTABLISHED.**

THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(C) DRUGSTORE PROHIBITION; EXCEPTION.

A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:

(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;

(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR

(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(f) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(1) of this section, the phrase "to sell" is substituted for the former phrase "to keep for sale and to sell" for brevity.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as unnecessary.

In subsection (b)(2) of this section, the phrase “beer, wine, or liquor” is substituted for the former phrase “alcoholic beverages” for clarity.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

14–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:

(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;

(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND

(3) CONTAINS:

(I) AT LEAST ONE PASSENGER ELEVATOR;

(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC; AND

(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.

(D) FEE.

THE ANNUAL LICENSE FEE IS:

(1) \$1,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL MIDNIGHT; OR

(2) \$2,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL 2 A.M.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(a)(1) and (3)(i) and (f)(2).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[e]xcept in Montgomery County or in the case of a contrary provision in this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(3)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

Former Art. 2B, § 6–201(f)(1), which stated that former Art. 2B, § 6–201(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

14–903. CLASS BR BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS BR BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR IN A RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION WITH MEALS.

(C) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 14–2004(B) OF THIS TITLE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(f)(3).

In subsection (c) of this section, the reference to “a Class B beer, wine, and liquor license” is substituted for the former reference to “other Calvert County Class B licensees” for clarity.

In subsection (d) of this section, the former phrase “for each license” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

14–904. CLASS C BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR USE BY:

(1) A COUNTRY CLUB;

(2) A POST HOME OF A POST OF THE AMERICAN LEGION OR VETERANS OF FOREIGN WARS; OR

(3) A YACHT CLUB THAT IS APPROVED BY THE BOARD.

(C) SCOPE OF AUTHORIZATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.

(2) A LICENSE FOR USE IN A POST HOME ALLOWS FOR THE SALE OF LIQUOR ONLY BY THE DRINK.

(D) FEE.

THE ANNUAL LICENSE FEE:

(1) FOR A COUNTRY CLUB IS \$1,000;

(2) FOR A POST HOME IS \$500; AND

(3) FOR A YACHT CLUB IS \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (f)(2).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the former reference to a “[b]ona fide” post home is deleted as surplusage. Similarly, in subsection (b)(3) of this section, the former reference to a “[b]ona fide” yacht club is deleted.

In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c)(1) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c)(1) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on–premises consumption”.

Also in subsection (c)(1) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

In subsection (c)(2) of this section, the former phrase “on the premises” is deleted as unnecessary in light of subsection (c)(1) of this section.

Former Art. 2B, § 6–301(f)(1), which stated that former Art. 2B, § 6–301(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

Defined terms: “Beer” § 1–101

“Board” § 14–101

“Club” § 1–101

“Wine” § 1–101

14–905. CLASS D BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

(C) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

(D) FEE.

THE ANNUAL LICENSE FEE IS:

(1) \$1,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL MIDNIGHT; OR

(2) \$2,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL 2 A.M.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(a)(1) and (f)(3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the phrase “at the place described in the license” is substituted for the former phrase “at the place described in it” for clarity.

In subsection (d) of this section, the references to “licensed premises” are substituted for the former references to “place of business” to conform to the terminology used throughout this article.

Former Art. 2B, § 6–401(f)(1), which stated that former Art. 2B, § 6–401(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–401(f)(2), which stated that the license may be issued in the entire County, is deleted as unnecessary because it is simply a statement of common practice.

Defined terms: “Beer” § 1–101
“Wine” § 1–101

14–906. SPECIAL EVENT FESTIVAL BEER, WINE, AND LIQUOR PERMIT.

(A) ESTABLISHED.

THERE IS SPECIAL EVENT FESTIVAL BEER, WINE, AND LIQUOR PERMIT.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE PERMIT TO A LICENSE HOLDER OF A CLASS B OR CLASS D LICENSE.

(C) REQUIREMENTS FOR ISSUANCE.

BEFORE THE BOARD ISSUES THE PERMIT, THE APPLICANT SHALL:

(1) DEMONSTRATE A REASONABLE EXPECTATION OF ATTRACTING AT LEAST 750 CUSTOMERS TO THE SPECIAL EVENT; AND

(2) COMMIT TO PROVIDE ANY ADDITIONAL SECURITY PERSONNEL REQUIRED TO BE AT THE EVENT FOR TRAFFIC, PARKING, AND PATROL PURPOSES.

(D) SCOPE OF AUTHORIZATION.

SUBJECT TO THE DISCRETION OF THE BOARD, THE PERMIT AUTHORIZES THE HOLDER TO OPERATE ADDITIONAL BARS OR SERVICE COUNTERS FOR THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES THAT ARE ALLOWED UNDER THE HOLDER’S LICENSE:

(1) INSIDE OR OUTSIDE THE LICENSED PREMISES; AND

(2) FOR AT LEAST 1 DAY AND NOT MORE THAN 3 CONSECUTIVE DAYS.

(E) FEE.

THE PERMIT FEE IS \$100.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–205.1(b) through (e).

In subsection (d) of this section, the reference to alcoholic beverages “that are allowed under the holder’s license” is added for clarity.

Former Art. 2B § 8–205.1(a), which stated that former Art. 2B § 8–205.1 applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–205.1(f), which stated that the Board may adopt regulations to implement this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 14–206 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 14–101

“Wine” § 1–101

SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

14–1001. CONTINUING CARE RETIREMENT COMMUNITY LICENSE.

(A) ESTABLISHED.

THERE IS A CONTINUING CARE RETIREMENT COMMUNITY LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:

(1) IS COMPOSED OF RESIDENTS OF A CONTINUING CARE RETIREMENT COMMUNITY THAT HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE; AND

(2) HAS AT LEAST 50 MEMBERS PAYING AVERAGE DUES OF AT LEAST \$5 PER YEAR PER MEMBER.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE TO A MEMBER OR A GUEST WHEN ACCOMPANIED BY A MEMBER.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 14–2004 OF THIS TITLE.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$500.

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6–301(f)(3).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Calvert County.

In the introductory language of subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

In subsection (b)(2) of this section, the former reference to “bona fide” members is deleted as surplusage.

In subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Defined terms: “Beer” § 1–101

“Board” § 14–101

“Club” § 1–101

“Wine” § 1–101

14–1002. ORGANIZATIONAL LICENSE.

(A) ESTABLISHED.

THERE IS AN ORGANIZATIONAL LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A FRATERNAL ORGANIZATION, VOLUNTEER FIRE DEPARTMENT, OR VOLUNTEER RESCUE SQUAD FOR USE ON THE PREMISES THAT THE ORGANIZATION, FIRE DEPARTMENT, OR RESCUE SQUAD OWNS OR REGULARLY USES TO HOLD FUNCTIONS.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 14-2004 OF THIS TITLE.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$500.

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(f)(4).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Calvert County.

In subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

Defined terms: "Beer" § 1-101

"Board" § 14-101

"Wine" § 1-101

SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.

14-1101. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

(B) EXCEPTION.

SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATION.

SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 14-1102 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 14-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

14-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.

(A) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.

(B) APPLICATION FORM.

AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.

(C) HOURS OF SALE.

THE HOURS OF SALE FOR THE PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

(2) END AT MIDNIGHT.

(D) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(E) FEES.

THE ANNUAL PERMIT FEES ARE:

(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND

(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-205(c)(2), (5)(i), (7), and (9).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

In subsection (c)(1) of this section, the reference to the "underlying license" is substituted for the former reference to the "license already held by the person to whom the refillable container permit is issued" for brevity.

Former Art. 2B, § 8-205(a), which stated that former Art. 2B, § 8-205 applied only in the County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-205(b), which defined the term "Board" to mean the Board of License Commissioners, is deleted as redundant of the defined term "Board" in § 14-101 of this title.

Former Art. 2B, § 8-205(c)(1), (3), (4), (5)(ii), (6), and (8) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4-1104 of this article.

Defined terms: "Board" § 14-101

"License" § 1-101

"Off-sale" § 1-101

SUBTITLE 12. CATERER’S LICENSES.**14–1201. RESERVED.****SUBTITLE 13. TEMPORARY LICENSES.****PART I. IN GENERAL.****14–1301. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–1202 (“PER DIEM LICENSES”);**
- (2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**
- (3) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);**
- (4) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**
- (5) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**
- (6) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**
- (7) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

(B) EXCEPTION.

SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 14–1308 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 14–101

14–1302. RESERVED.

14-1303. RESERVED.

PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

14-1304. WINE FESTIVAL LICENSE.

(A) ESTABLISHED.

THERE IS A WINE FESTIVAL (WF) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE AUTHORIZING THE SALE OF WINE, CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE.

(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.

A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:

(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE FESTIVAL.

(E) TIME AND LOCATION OF FESTIVAL.

FOR THE WINE FESTIVAL, THE BOARD SHALL CHOOSE:

(1) 1 WEEKEND EACH YEAR; AND

(2) A LOCATION THAT IS NOT ALREADY LICENSED.

(F) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) FEE.

THE LICENSE FEE IS \$15.

(H) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–305.

Throughout this section, the former references to a “special” license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[n]otwithstanding any other provision to the contrary,” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the reference to a “retail license” is substituted for the former reference to an “existing retail alcoholic beverages license issued in the State” for brevity.

In the introductory language of subsection (d) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsections (d)(2) and (e)(2) of this section, the former references to the festival or location “in Calvert County” are deleted as surplusage.

In subsection (e)(2) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “which does not hold an alcoholic beverages license” for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]he provisions of this section may not prohibit the licensee from holding” another license for clarity.

Defined terms: “Board” § 14–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

14–1305. BEER, WINE, AND LIQUOR TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLTT) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.

(C) SCOPE OF AUTHORIZATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE HOLDER OF:

(I) A CLASS A BEER AND WINE LICENSE TO HOLD TASTINGS OF:

- 1. WINE; OR**
- 2. BEER AND WINE; AND**

(II) A CLASS A BEER, WINE, AND LIQUOR LICENSE TO HOLD TASTINGS OF:

- 1. WINE;**
- 2. BEER AND WINE; OR**
- 3. BEER, WINE, AND LIQUOR.**

(2) TO HOLD A TASTING, THE HOLDER OF THE LICENSE SHALL PROVIDE ALCOHOLIC BEVERAGES TO CONSUMERS AT NO CHARGE.

(3) IN ADDITION TO THE PRIVILEGES STATED IN PARAGRAPH (1) OF THIS SUBSECTION, THE LICENSE:

(I) AUTHORIZES THE HOLDER TO HOLD A TASTING EVERY DAY OF THE YEAR; BUT

(II) RESTRICTS A SINGLE TASTING TO NOT MORE THAN 3 HOURS.

(D) LICENSE APPLICATION.

(1) AN APPLICANT SHALL SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES.

(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.

(3) THE LICENSE MAY BE RENEWED ONLY WHEN THE CLASS A BEER AND WINE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS RENEWED.

(E) LIMIT ON SERVINGS.

AN INDIVIDUAL MAY CONSUME BEER, WINE, AND LIQUOR COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:

(1) 1 OUNCE FROM A EACH OFFERING OF BEER OR WINE; AND

(2) ONE–HALF OUNCE FROM EACH OFFERING OF LIQUOR.

(F) FEE.

THE ANNUAL LICENSE FEE IS:

(1) \$200, IF THE LICENSE IS USED FOR WINE;

(2) \$250, IF THE LICENSE IS USED FOR BEER OR WINE; AND

(3) \$300, IF THE LICENSE IS USED FOR BEER, WINE, AND LIQUOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–404.1A(b) through (h).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to a “special” license is deleted as surplusage.

In subsection (c)(3)(i) of this section, the reference to “every day” of the year is substituted for the former reference to “365 days” for clarity.

In the introductory language of subsection (e) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

Also in the introductory language in subsection (e) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to the broader term “alcoholic beverages” in accordance with the scope of this section.

In subsection (e)(1) and (2) of this section, the references to “each offering” are substituted for the former references to “a single brand” for clarity.

In subsection (e)(2) of this section, the reference to “liquor” is substituted for the former, broader phrase “any other alcoholic beverage” in accordance with the scope of this section.

Former Art. 2B, § 8–404.1A(a), which stated that former Art. 2B, § 8–404.1A applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 14–101

“Consumer” § 1–101

“License” § 1–101

“Wine” § 1–101

14–1306. RESERVED.

14–1307. RESERVED.

PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.

14–1308. FEES.

(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.

THE FEE FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE IS \$5 PER DAY.

(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS:

(1) \$15 PER DAY FOR A RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS’, CHARITABLE, OR HOSPITAL SUPPORTING ORGANIZATION; AND

(2) \$25 PER DAY FOR ANY OTHER LICENSE HOLDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(d)(5) and (b)(1)(ii).

In subsection (b)(1) of this section, the former reference to a “bona fide” religious organization is deleted as surplusage.

Also in subsection (b)(1) of this section, the reference to a hospital “supporting” organization is added for clarity, reflecting the terminology used in the Internal Revenue Code.

SUBTITLE 14. APPLICATIONS FOR LICENSES.

14–1401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (4) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**
- (5) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (6) § 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);**
- (7) § 4–110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (8) § 4–111 (“PAYMENT OF LICENSE FEES”); AND**
- (9) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

(B) EXCEPTION.

SECTION 4-113 (“REFUND OF LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 14-1406 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), IN ADDITION TO § 14-1404 OF THIS SUBTITLE;

(2) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO § 14-1403 OF THIS SUBTITLE; AND

(3) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 14-1405 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 14-101

14-1402. APPLICATION FEE.

IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE, AN ADMINISTRATIVE FEE OF \$250 SHALL BE CHARGED FOR AN APPLICATION FOR A NEW LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(f)(3), as it related to the issuance of a new license.

The reference to an “administrative” fee is added for clarity.

Former Art. 2B, § 10-104(f)(1), which stated that former Art. 2B, § 10-104(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “License” § 1-101

14-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.

THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xi)1A, as it related to an application for a new license.

Defined terms: "Board" § 14-101

"Central Repository" § 1-101

"License" § 1-101

14-1404. APPLICATION ON BEHALF OF CORPORATION.

(1) THE NAME OF THE PERSON WHO OWNS THE GREATEST NUMBER OF SHARES IN THE CORPORATION FOR WHICH AN APPLICATION FOR A LICENSE IS MADE SHALL APPEAR ON THE APPLICATION AS AN APPLICANT.

(2) AN APPLICANT FOR A CORPORATION WHO IS A RESIDENT OF THE COUNTY SHALL OWN AT LEAST 10% OF THE CORPORATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(m)(2) and (3).

In paragraph (1) of this section, the former reference to "names" is deleted in light of the reference to a "name" and GP § 1-202, which provides that the singular generally includes the plural. Similarly, the former reference to "persons" is deleted in light of the reference to a "person".

Former Art. 2B, § 9-101(m)(1), which stated that the provisions of former Art. 2B, § 9-101(m) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9-901(m)(4), which provided that the requirements under former Art. 2B, § 9-101(m) were in addition to other requirements, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "County" § 14-101

14-1405. PAYMENT OF LICENSE FEES.

(A) FOR PREMISES IN MUNICIPALITY.

IF A LICENSED PREMISES IS LOCATED IN A MUNICIPALITY:

(1) 50% OF THE NET LICENSE FEES SHALL BE PAID TO THE MUNICIPALITY; AND

(2) 50% OF THE NET LICENSE FEES SHALL BE PAID TO THE COUNTY FOR THE PURPOSES OF THE COUNTY.

(B) FOR PREMISES OUTSIDE MUNICIPALITY.

IF A LICENSED PREMISES IS LOCATED OUTSIDE A MUNICIPALITY, ALL OF THE NET LICENSE FEES SHALL BE PAID TO THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10–204(f).

The term “licensed premises” is substituted for the former references to “licensed place of business” and “places of business” for clarity.

In subsection (b) of this section, the phrase “to the County” is substituted for the former phrase “for the purposes of the county” for brevity.

Defined terms: “County” § 14–101

“License” § 1–101

14–1406. REFUNDS PROHIBITED.

A RETAIL LICENSE HOLDER IS NOT ENTITLED TO A REFUND FOR A LICENSE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–205(c).

Defined terms: “County” § 14–101

“License” § 1–101

SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.

14–1501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);
- (4) § 4–209 (“HEARING”);
- (5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (6) § 4–212 (“LICENSE NOT PROPERTY”);
- (7) § 4–213 (“REPLACEMENT LICENSES”); AND
- (8) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 14–1502 OF THIS SUBTITLE;
- (2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 14–1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;
- (3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 14–1503 OF THIS SUBTITLE;
- (4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 14–1504 OF THIS SUBTITLE; AND
- (5) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”), SUBJECT TO § 14–1505 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 14–101

“License” § 1–101

“Local licensing board” § 1–101

14-1502. HOLDERS OF OUT-OF-STATE LICENSES.

THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(5), as it related to Calvert County and except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to "[t]he Board" is added for clarity.

The reference to an "out-of-state" license is substituted for the former reference to a license "in any other state or in Washington, D.C." for brevity.

The former reference to a "corporation, or limited liability company" is deleted as included in the reference to a "person".

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 14-101

"Light wine" § 14-101

"Person" § 1-101

"State" § 1-101

"Wine" § 11-101

14-1503. BOWLING ESTABLISHMENTS.

MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:

(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND

(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and light wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Light wine” § 14–101

14–1504. NOTICE OF LICENSE APPLICATION.

(A) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.

IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.

(B) CONTENTS OF POSTING.

A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(i)5 and (ii).

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (a) of this section, the reference to the “application hearing” is substituted for the former reference to “action upon the application” for consistency with subsection (b) of this section.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

Defined terms: “Board” § 14–101

“License” § 1–101

14–1505. LICENSE EXPIRATION DATE.

A LICENSE SHALL EXPIRE ON THE NEXT JUNE 30 AFTER ITS ISSUANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10–206(c).

The second sentence of former Art. 2B, § 10–206(c), which provided that “licenses issued on April 30, 1975 are valid until June 30, 1976” is deleted as obsolete.

Defined term: “License” § 1–101

14–1506. ADDITIONAL BARS AND SERVING COUNTERS.

(A) IN GENERAL.

THE BOARD MAY AUTHORIZE A LICENSE HOLDER TO INSTALL AN ADDITIONAL BAR OR SERVING COUNTER WITHIN A REASONABLE DISTANCE OF THE MAIN BUILDING OF THE PREMISES SERVED BY THE LICENSE HELD BY THE LICENSE HOLDER.

(B) BOARD TO DETERMINE REASONABLE DISTANCE.

THE BOARD SHALL DETERMINE WHAT IS A REASONABLE DISTANCE FOR AN ADDITIONAL BAR OR SERVING COUNTER.

(C) ADDITIONAL LICENSE NOT REQUIRED.

AN ADDITIONAL LICENSE IS NOT REQUIRED FOR AN ADDITIONAL BAR OR SERVING COUNTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–9)(2).

In subsections (a) and (b) of this section, the references to the defined term “Board” are substituted for the former broad references to “alcoholic beverages licensing authority” and “licensing authority” for clarity.

In subsection (a) of this section, the reference to the main building “of the premises served by the ... license holder” is added for clarity.

Also in subsection (a) of this section, the former phrase “[n]otwithstanding any other provisions of this article,” is deleted as surplusage.

In subsections (b) and (c) of this section, the references to “an additional bar or serving counter” are added for clarity.

In subsection (c) of this section, the former phrase “, if the authorization is granted,” is deleted as surplusage.

Former Art. 2B, § 9–102(b–9)(1)(i), which stated that the provisions of former Art. 2B, § 9–102(b–9) applied in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 14–101
“License” § 1–101

14–1507. EXCHANGE OF LICENSE.

A LICENSE HOLDER MAY EXCHANGE THE LICENSE FOR ANY OTHER LICENSE FOR THE SAME PREMISES BY COMPLYING WITH THE APPLICATION PROCEDURES OF THIS TITLE AND PAYING THE LICENSE FEES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(c), as it related to Calvert County.

The reference to the authority of a holder of a license to “exchange the license for any other license” is substituted for the former reference to the authority of a licensee “to obtain any type of license under this article” for clarity.

The reference to the “license fees” is substituted for the former reference to “fees herein prescribed for each class of license”.

Defined terms: “License” § 1–101
“License holder” § 1–101

SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.

PART I. LICENSING CONDITIONS.

14–1601. RESERVED.

14–1602. RESERVED.

PART II. MULTIPLE LICENSING PLANS.

14–1603. CLASS BLX BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS BLX LICENSE FOR LUXURY-TYPE RESTAURANTS IN THE 27TH LEGISLATIVE DISTRICT OF THE COUNTY.

(B) SCOPE OF AUTHORIZATION.

(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT HAS:

(I) A CAPITAL INVESTMENT OF AT LEAST \$500,000 FOR THE DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF LAND, BUILDINGS, OR LEASES; AND

(II) SEATING FOR AT LEAST 150 INDIVIDUALS.

(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON- AND OFF-PREMISES CONSUMPTION IF SOLD IN SEALED CONTAINERS.

(C) FOUR LICENSE LIMIT.

A PERSON MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN MORE THAN FOUR CLASS B AND CLASS BLX LICENSES IN ANY COMBINATION.

(D) PRESUMPTION OF INDIRECT INTEREST.

AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN ANY COMBINATION OF PERSONS IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:

(1) A COMMON PARENT COMPANY;

(2) A FRANCHISE AGREEMENT;

(3) A LICENSING AGREEMENT;

(4) A CONCESSION AGREEMENT;

(5) DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED;

(6) A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS OF PARENTS OR SUBSIDIARIES;

(7) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR

(8) A SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.

(E) BOARD TO DEFINE “LUXURY-TYPE RESTAURANT”.

SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL DEFINE “LUXURY-TYPE RESTAURANT” BY REGULATION.

(F) FEE.

THE LICENSE FEE IS \$2,400.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(f)(4)(i) and (iii) through (vii).

In subsection (b)(1)(ii) of this section, the former reference to seating “capacity” is deleted as surplusage.

In subsection (b)(2) of this section, the statement that the license authorizes the license holder to “sell beer, wine, and liquor for on– and off–premises consumption if sold in sealed containers” is added to state expressly what was only implicit in the former law.

In subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (c) of this section, the defined term “person” is substituted for the former phrase “an individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons” for brevity. Similarly, in the introductory language of subsection (d) of this section, the word “persons” is substituted for the former reference to “individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons”.

In subsection (e) of this section, the phrase “[s]ubject to the requirements of subsection (b) of this section” is added for clarity.

Former Art. 2B, § 6–201(f)(4)(ii), which stated that the license shall be applied for in the same manner as other classes of licenses, is deleted as an unnecessary statement of common practice.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 14–101

“County” § 14–101

“Person” § 1–101

SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.

14–1701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”);

(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

(3) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND

(4) § 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).

(B) VARIATION.

SECTION 4–305 (“FILING FEE AND ENDORSEMENT”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 14–1703 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 10–503(f).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to the transfer of licenses that apply in the County with variation.

Defined terms: “County” § 14–101

“License” § 1–101

14–1702. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.

AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(xi)1A, as it related to an applicant for a transfer of a license.

The requirements for a State and national criminal history records check for an applicant for a transfer of a license are identical to the requirements for an applicant for the issuance of a license. The cross–reference to “§ 4–107 of this article”, in which those requirements appear in the applications for local licenses, is substituted for a listing of those requirements, to avoid unnecessary repetition.

Defined terms: “License” § 1–101
“State” § 1–101

14–1703. APPLICATION FEE.

IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE, AN ADMINISTRATIVE FEE OF \$250 SHALL BE CHARGED FOR AN APPLICATION FOR A TRANSFER OF A LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(f)(3), as it related to the transfer of licenses.

The phrase “administrative fee” is added for clarity.

Defined term: “License” § 1–101

14–1704. WAIVER OF RESIDENCY REQUIREMENT.

THE BOARD MAY WAIVE THE 2 YEARS RESIDENCE REQUIREMENT FOR APPLICANTS FOR A LICENSE IF THE APPLICANT FOR THE TRANSFER:

(1) IS THE PURCHASER AND PROPRIETOR OF THE ESTABLISHMENT FOR WHICH THE TRANSFER IS SOUGHT; AND

(2) CAN SUBMIT TO THE SATISFACTION OF THE BOARD:

(I) PROPER PERSONS WHO KNOW THE APPLICANT AND CAN VOUCH FOR THE GOOD CHARACTER OF THE APPLICANT; OR

(II) OTHER EVIDENCE THAT THE APPLICANT IS A FIT AND PROPER PERSON TO HOLD THE LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(f)(2).

In the introductory language of this section, the former phrase “contained in § 10–103 hereinabove” is deleted as surplusage.

In item (1) of this section, the former phrase “in any case” is deleted as surplusage.

Also in item (1) of this section, the reference to an “establishment” is substituted for the former reference to a “going business” to conform to the terminology used throughout this article.

Also in item (1) of this section, the former reference to a “bona fide” purchaser is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in the introductory language of this section, the 2–year residency requirement that is referenced may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Board” § 14–101

“License” § 1–101

“Person” § 1–101

SUBTITLE 18. RENEWAL OF LICENSES.

14–1801. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);

(2) § 4–403 (“RENEWAL APPLICATION”);

(3) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);

(4) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);

(5) § 4-409 (“MULTIPLE LICENSES”); AND

(6) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

(B) EXCEPTION.

SECTION 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 14-1802 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO § 14-1803 OF THIS SUBTITLE; AND

(2) § 4-406 (“PROTESTS”), SUBJECT TO § 14-1804 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 14-101
“License” § 1-101

14-1802. FILING PERIOD FOR RENEWAL APPLICATION.

(A) TIME FOR FILING.

TO RENEW A LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE AN APPLICATION WITH THE BOARD BETWEEN APRIL 1 AND MAY 1, INCLUSIVE.

(B) LATE FILING FINES.

A LICENSE RENEWAL APPLICATION THAT THE BOARD RECEIVES ON OR AFTER JULY 1 IS SUBJECT TO A LATE FINE OF \$50 FOR EACH DAY THE APPLICATION IS LATE, UP TO A MAXIMUM AMOUNT OF \$500.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(n)(2).

In subsection (a) of this section, the reference requiring filing of a renewal application “annually” is substituted for the former reference establishing that “[t]he term of a license is 1 year” for clarity, brevity, and consistency within this revision.

Also in subsection (a) of this section, the reference to a renewal period “between April 1 and May 1, inclusive” is substituted for the former reference to a renewal period “at any time beginning on April 1 and ending on May 1” for clarity, brevity, and consistency within this revision.

Also in subsection (a) of this section, the former reference to an application “for license renewal” is deleted as included in the introductory reference to filing an application “[t]o renew a license”.

Also in subsection (a) of this section, the former reference to license renewal “at any time” is deleted as unnecessary.

In subsection (b) of this section, the reference to “a maximum amount” of \$500 in fines is added for clarity and consistency within this revision.

Defined terms: “Board” § 14–101

“License” § 1–101

“License holder” § 1–101

14–1803. CONTENTS OF RENEWAL APPLICATION.

(A) IN GENERAL.

AN APPLICATION FOR LICENSE RENEWAL SHALL BE ACCOMPANIED BY:

(1) A STATEMENT OF THE HOURS OF OPERATION OF THE LICENSED PREMISES;

(2) A STATEMENT OF THE NAME OF THE MANAGER OF THE LICENSED PREMISES; AND

(3) A COPY OF THE CURRENT STATEMENT FOR THE LICENSED BUSINESS THAT SHOWS THAT ALL APPLICABLE TAXES ARE PAID.

(B) CLASS B LICENSES.

IN ADDITION TO THE STATEMENTS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, AN APPLICATION FOR RENEWAL OF A CLASS B LICENSE SHALL BE

ACCOMPANIED BY A STATEMENT OF THE AVERAGE MONTHLY SALES OF FOOD AND ALCOHOLIC BEVERAGES FOR THE LICENSED PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(n)(3) and (4).

In subsection (a)(2) of this section, the reference to the manager “of the licensed premises” is added for clarity.

Former Art. 2B, § 10–301(n)(1), which stated that former Art. 2B, § 10–301(n) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is not clear whether the reference in subsection (a)(3) of this section to “all applicable taxes” includes federal taxes and, if so, whether it may be impossible to obtain a statement that shows that all federal taxes for the licensed premises have been paid.

Defined terms: “Alcoholic beverage” § 1–101
“License” § 1–101

14–1804. BASIS OF PROTEST; OATH REQUIRED.

A PROTEST OF A LICENSE RENEWAL SHALL:

- (1) SPECIFY THE BASIS ON WHICH THE PROTEST IS MADE; AND**
- (2) BE FILED UNDER OATH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(iii)2, as it related to protests of license renewals in Calvert County.

In the introductory language of this section, the reference to a protest “of a license renewal” is added for clarity.

Defined term: “License” § 1–101

14–1805. HOLDERS OF OUT-OF-STATE LICENSES.

NOTWITHSTANDING § 14–1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(5), as it related to Calvert County and to the renewal of a license by a person who holds an out-of-state license.

The phrase “[n]otwithstanding § 14–1502 of this title,” is added to clarify that this section is an exception to § 14–1502.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out-of-state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out-of-state license for clarity and to avoid the implication that a licensee can obtain an out-of-state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 14–101

“State” § 1–101

“Wine” § 1–101

14–1806. LICENSE EXPIRATION DATE.

A LICENSE SHALL EXPIRE ON THE NEXT JUNE 30 AFTER ITS RENEWAL.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10–206(c).

The reference to the expiration of a license “renewal” is added for clarity and accuracy.

Defined term: “License” § 1–101

14–1807. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.

THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(xi)2.

Defined term: “License” § 1–101

SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.

14–1901. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “County” § 14–101
“License holder” § 1–101

SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.

14–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.

(A) IN GENERAL.

(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.

(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Calvert County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

14–2002. BEER LICENSES.

(A) CLASS A BEER LICENSE.

A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(B) CLASS B BEER LICENSE.

A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(C) CLASS C BEER LICENSE.

A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER LICENSE.

A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–505.

Throughout this section, the references to “beer” are substituted for the former broad references to “alcoholic beverages authorized by their licenses” for clarity in light of the fact that this section concerns only beer.

Former Art. 2B, § 11–403(a)(1)(i), which stated that former Art. 2B, § 11–403(a)(1) did not apply in Calvert County, is deleted as unnecessary. Former Art. 2B, § 11–403(a)(1) prohibited a holder of a Class B or Class C license from selling any alcoholic beverage at a bar or counter on Sunday. Because this prohibition does not apply in Calvert County, it is simply not stated here. As a consequence, the exemption from the prohibition is unnecessary.

Defined term: “Beer” § 1–101

14–2003. BEER AND LIGHT WINE LICENSES.

(A) CLASS A BEER AND LIGHT WINE LICENSE.

A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(B) CLASS B BEER AND LIGHT WINE LICENSE.

A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(C) CLASS C BEER AND LIGHT WINE LICENSE.

A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER AND LIGHT WINE LICENSE.

A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–505.

Throughout this section, the references to “beer and light wine” are substituted for the former broad references to “alcoholic beverages authorized by their licenses” for clarity in light of the fact that this section concerns only beer and light wine.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

14–2004. BEER, WINE, AND LIQUOR LICENSES.

(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–505.

Throughout this section, the references to “beer, wine, and liquor” are substituted for the former broad references to “alcoholic beverages authorized by their licenses” for clarity in light of the fact that this section concerns beer, wine, and liquor.

Defined terms: “Beer” § 1–101
“Wine” § 1–101

14–2005. HOURS FOR JANUARY 1.

A LICENSE HOLDER MAY NOT BE REQUIRED TO CLOSE THE LICENSED PREMISES AT ANY TIME ON JANUARY 1.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(f)(2).

The former reference to January 1 “of any year” is deleted as surplusage.

The former language that authorized the license holder to sell alcoholic beverages that are authorized by the license at any time on January 1 is deleted as implicit in the prohibition against requiring a license holder to close the licensed premises at any time on January 1.

Former Art. 2B, § 11–402(f)(1), which stated that former Art. 2B, § 11–402(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “License holder” § 1–101

SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.

14–2101. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10–405(a)(3), which stated that former Art. 2B, § 10–405, which related to nudity and sexual displays, applied in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 14–101
“License” § 1–101

SUBTITLE 22. EXPIRATION OF LICENSES.

14–2201. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 14–101
“License” § 1–101

SUBTITLE 23. DEATH OF LICENSE HOLDER.

14–2301. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 14–101
“License holder” § 1–101

SUBTITLE 24. JUDICIAL REVIEW.

14–2401. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 14–101

14–2402. COURT MAY REMAND.

IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(ii)3.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 14–101
“County” § 14–101

SUBTITLE 25. UNLICENSED ESTABLISHMENTS.

14–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.

(A) “BOTTLE CLUB” DEFINED.

IN THIS SECTION, “BOTTLE CLUB” IS EXPLICITLY DEFINED AS AND LIMITED TO AN ESTABLISHMENT THAT IS:

(1) A RESTAURANT THAT ACCOMMODATES THE PUBLIC AND IS EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS; OR

(2) A NIGHTCLUB THAT OFFERS TO THE PUBLIC MUSIC, DANCING, OR OTHER NIGHTTIME ENTERTAINMENT.

(B) IN GENERAL.

AN ESTABLISHMENT THAT IS A BOTTLE CLUB NOT LICENSED BY THE BOARD, AT A LOCATION UNDER THE CONTROL OR POSSESSION OF THE ESTABLISHMENT, MAY NOT:

(1) SERVE OR KEEP ALCOHOLIC BEVERAGES; OR

(2) ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED.

(C) EXCEPTIONS.

A VOLUNTEER FIRE DEPARTMENT, RESCUE SQUAD, OR EMERGENCY MEDICAL SERVICES ORGANIZATION MAY CONDUCT NOT MORE THAN FOUR EVENTS EACH YEAR TO WHICH AN INDIVIDUAL MAY BRING ALCOHOLIC BEVERAGES TO BE CONSUMED ON A LOCATION UNDER THE CONTROL OR POSSESSION OF THE VOLUNTEER FIRE DEPARTMENT, RESCUE SQUAD, OR EMERGENCY MEDICAL SERVICES ORGANIZATION.

(D) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–103.1(b), (c), and (d).

Throughout this section, the references to “location” are substituted for the former references to “premises” because in this article “premises” is reserved to denote a location that is licensed.

In the introductory language of subsection (b)(1) of this section, the former phrase “on its premises” is deleted as included in the reference to “at a location under the control or possession of the establishment”. Similarly, in subsection (c) of this section, the former phrase “on the premises” is deleted as included in the reference to “a location under the control or possession of the volunteer fire department, rescue squad, or emergency medical services organization”.

In subsection (b)(1) of this section, the former references to “give” and “dispense” are deleted as included in the reference to “serve”.

Former Art. 2B, § 20–103.1(a), which stated that former Art. 2B, § 20–103.1 applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 14–101

“Person” § 1–101

“Restaurant” § 1–101

14–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.

(A) PROHIBITION AGAINST INDIVIDUAL.

FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:

(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;

(2) A PLACE OF PUBLIC ENTERTAINMENT; OR

(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.

(B) PROHIBITION AGAINST OWNER OR MANAGER.

AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In this section, the references to “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

SUBTITLE 26. ENFORCEMENT.

14-2601. APPLICATION OF GENERAL PROVISIONS.**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);

(2) § 6-204 (“POWER TO SUMMON WITNESSES”);

(3) § 6-205 (“PEACE OFFICERS”);

(4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);

(5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”);

(8) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”); AND

(9) § 6-211 (“FINES AND FORFEITURES”).

(B) VARIATION.

SECTION 6-202 (“INSPECTIONS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 14-2602 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 14-101

“State” § 1-101

14-2602. SEMI-ANNUAL INSPECTIONS ALLOWED.

THE BOARD OR ITS DESIGNEE MAY INSPECT EACH LICENSED PREMISES AT LEAST ONCE EVERY 6 MONTHS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-402.

Defined term: "Board" § 14-101

SUBTITLE 27. PROHIBITED ACTS.**14-2701. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 ("PROHIBITED ACTS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6-305 ("PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES");**
- (2) § 6-306 ("DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL");**
- (3) § 6-308 ("ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER");**
- (4) § 6-309 ("ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS");**
- (5) § 6-310 ("PROVIDING FREE FOOD");**
- (6) § 6-311 ("RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER");**
- (7) § 6-312 ("BEVERAGE MISREPRESENTATION");**
- (8) § 6-313 ("TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER");**

(9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);

(10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);

(11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

(12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(13) § 6-320 (“DISORDERLY INTOXICATION”);

(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);

(16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(18) § 6-327 (“TAX EVASION”);

(19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(20) § 6-329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 14-2702 OF THIS SUBTITLE; AND

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 14-2703 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 14-101

"License holder" § 1-101

"Retail dealer" § 1-101

14-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

(B) DUE CAUTION STANDARD FOR NONRESIDENTS.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:

(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND

(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.

(C) PENALTY.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO VIOLATES § 6-304 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) IF THE CONVICTED INDIVIDUAL IS A LICENSE HOLDER, A FINE NOT EXCEEDING \$200; AND

(2) IF THE CONVICTED INDIVIDUAL IS AN EMPLOYEE OF A LICENSE HOLDER, A FINE NOT EXCEEDING \$250.

(D) BAR TO ADMINISTRATIVE ACTION.

THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(i)2, (ii), and (iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “finder of fact” is substituted for the former reference to the “jury or the court sitting as a jury” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted as surplusage.

In subsection (d) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (d) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (d) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 14–101

“License holder” § 1–101

“State” § 1–101

14–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

(B) PENALTY.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO VIOLATES § 6–307 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) IF THE CONVICTED INDIVIDUAL IS A LICENSE HOLDER, A FINE NOT EXCEEDING \$200; AND

(2) IF THE CONVICTED INDIVIDUAL IS AN EMPLOYEE OF A LICENSE HOLDER, A FINE NOT EXCEEDING \$250.

(C) BAR TO ADMINISTRATIVE ACTION.

THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(i)2 and (iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (c) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (c) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 14–101

“License holder” § 1–101

“State” § 1–101

SUBTITLE 28. PENALTIES.

14–2801. APPLICATION OF GENERAL PROVISION.

SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 14–101

14–2802. PENALTY IMPOSED BY BOARD.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE BOARD MAY:

(1) EXCEPT FOR A VIOLATION REGARDING AN UNLICENSED ESTABLISHMENT, IMPOSE A FINE NOT EXCEEDING:

(I) \$1,000 FOR A VIOLATION OF STATE LAW; OR

(II) \$500 FOR A VIOLATION OF THE REGULATIONS OF THE BOARD; OR

(2) SUSPEND A LICENSE FOR A VIOLATION OF ANY ALCOHOLIC BEVERAGES LAW THAT APPLIES IN THE COUNTY.

(B) PENALTY FOR LICENSE HOLDER OR EMPLOYEE SELLING ALCOHOLIC BEVERAGES TO UNDERAGE INDIVIDUAL.

IF A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER SELLS ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS, THE BOARD MAY:

(1) FOR A FIRST OFFENSE, IMPOSE A FINE NOT EXCEEDING \$500 OR SUSPEND THE LICENSE FOR NOT MORE THAN 3 DAYS OR BOTH; AND

(2) FOR AN OFFENSE OCCURRING WITHIN 3 YEARS AFTER A PRIOR OFFENSE, IMPOSE A FINE NOT EXCEEDING \$1,000 OR SUSPEND THE LICENSE FOR NOT MORE THAN 30 DAYS OR BOTH.

(C) CONSIDERATIONS IN SETTING LENGTH OF SUSPENSION.

IN DETERMINING THE LENGTH OF A SUSPENSION UNDER SUBSECTION (B)(2) OF THIS SECTION, THE BOARD SHALL CONSIDER:

(1) THE CLASS OF LICENSE; AND

(2) THE ECONOMIC IMPACT THE SUSPENSION WILL HAVE ON:

(I) THE BUSINESS OF THE LICENSE HOLDER; AND

(II) EMPLOYEES OF THE LICENSE HOLDER.

(D) CONSIDERATIONS IN SETTING AMOUNT OF FINE.

A FINE UNDER THIS SECTION SHALL BE IMPOSED SUBJECT TO § 10–1001 OF THE STATE GOVERNMENT ARTICLE.

(E) DISPOSITION OF FINES.

FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(f)(2) through (6).

In subsection (a) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as surplusage.

Also in subsection (a) of this section, the reference to “unlicensed establishment” is substituted for the former reference to “bottle club” for consistency with the terminology used throughout this article.

Also in subsection (a) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

In subsection (e) of this section, the reference to “[f]ines” is substituted for the former reference to “money” for clarity.

Former Art. 2B, § 16–507(f)(1), which stated that the provisions of former Art. 2B, § 16–507(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 14–101

“County” § 14–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

TITLE 15. CAROLINE COUNTY.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

15–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE:

(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND

(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

(B) BOARD.

“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CAROLINE COUNTY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Caroline County”.

(C) COUNTY.

“COUNTY” MEANS CAROLINE COUNTY.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Caroline County”.

15–102. SCOPE OF TITLE.**THIS TITLE APPLIES ONLY IN CAROLINE COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

15–103. COPY OF LEGISLATION.

A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101
“County” § 15–101

GENERAL REVISOR’S NOTE TO SUBTITLE

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(g), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**15-201. ESTABLISHED.**

THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CAROLINE COUNTY.

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Caroline County exists.

15-202. MEMBERSHIP.

(A) COMPOSITION; APPOINTMENT OF MEMBERS.

(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.

(2) THE APPOINTMENTS SHALL BE MADE:

(I) IF THE HOUSE OF DELEGATES IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE HOUSE OF DELEGATES; OR

(II) IF THE HOUSE OF DELEGATES IS NOT IN SESSION, BY THE GOVERNOR ALONE.

(3) AN APPOINTMENT MADE UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL CONTINUE IN FORCE UNTIL THE END OF THE NEXT SESSION OF THE GENERAL ASSEMBLY.

(B) QUALIFICATIONS.

EACH MEMBER OF THE BOARD SHALL BE:

(1) A RESIDENT AND VOTER OF THE COUNTY; AND

(2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.

(C) TENURE.

(1) THE TERM OF A REGULAR MEMBER IS 3 YEARS.

(2) THE TERMS OF THE REGULAR MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.

(D) VACANCIES.

(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY THAT OCCURS DURING THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(E) REMOVAL.

(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.

(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.

(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(3), (4), and, except as it related to the Senate being in session, (1), and (g)(3) and (4) and 15–110(a).

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to “persons who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ... County’, as the case may be” because this title applies only to the Board of License Commissioners for Caroline County.

Also in subsection (a)(1) of this section, the former phrase “[f]or the jurisdictions in which this section is effective” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (b) of this section, the reference to “[e]ach member of the Board” is substituted for the former reference to “[t]he commissioners” to conform to the terminology used throughout this subtitle.

In subsection (b)(1) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Caroline County.

In subsection (b)(2) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” may serve as a member of a board of license commissioners.

In subsection (c) of this section, the references to “regular” members of the Board are added for clarity.

In subsection (c)(2) of this section, the former reference to the requirement that the Governor “biennially” appoint persons to the Board is deleted as included in the requirement that the terms of the members of the Board be staggered as required on July 1, 2016. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Caroline County.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(g)(1), which provided that former Art. 2B, § 15–101(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–101(g)(2), which stated that the members of the Liquor Control Board constitute the Board of License Commissioners, is deleted as obsolete. There no longer is a Liquor Control Board in Caroline County.

Defined terms: “Board” § 15–101
“County” § 15–101

15–203. SUBSTITUTE MEMBER.

(A) APPOINTMENT BY GOVERNOR.

(1) THE GOVERNOR SHALL APPOINT ONE SUBSTITUTE MEMBER TO THE BOARD.

(2) THE APPOINTMENT SHALL BE MADE:

(I) IF THE HOUSE OF DELEGATES IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE HOUSE OF DELEGATES; OR

(II) IF THE HOUSE OF DELEGATES IS NOT IN SESSION, BY THE GOVERNOR ALONE.

(3) AN APPOINTMENT MADE UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL CONTINUE IN FORCE UNTIL THE END OF THE NEXT SESSION OF THE GENERAL ASSEMBLY.

(B) TENURE.

THE TERM OF THE SUBSTITUTE MEMBER IS 3 YEARS AND BEGINS ON THE FIRST MONDAY IN MAY.

(C) WHEN SUBSTITUTE MAY SERVE.

IF A REGULAR MEMBER OF THE BOARD BECOMES INCAPACITATED FROM ANY CAUSE OR IF A VACANCY OCCURS ON THE BOARD FOR ANY REASON, THE SUBSTITUTE MEMBER, ON REQUEST OF THE CHAIR OR THE MAJORITY OF THE BOARD, SHALL SERVE ON THE BOARD UNTIL THE INCAPACITY ENDS OR THE VACANCY IS FILLED.

(D) POWERS AND DUTIES.

WHILE SERVING ON THE BOARD, THE SUBSTITUTE MEMBER HAS ALL THE POWERS AND DUTIES OF A REGULAR MEMBER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(g)(5).

In subsection (c) of this section, the reference to a vacancy “occur[ing]” on the Board is added for clarity.

Also in subsection (c) of this section, the reference to a vacancy “for any reason” is substituted to the former reference to a vacancy “from any cause” for clarity.

Also in subsection (c) of this section, the requirement to serve “on the Board” is substituted for the former requirement to serve “in the place of the regular member” for brevity.

Also in subsection (c) of this section, the former reference to the “temporary or permanent” incapacity of a member is deleted as surplusage.

Also in subsection (c) of this section, the former reference to the “regularly constituted” Board is deleted as surplusage.

Also in subsection (c) of this section, the former reference to the regular member “so incapacitated or causing the vacancy” is deleted as surplusage.

In subsection (d) of this section, the former reference to the “authority” of the substitute member is deleted as included in the reference to the “powers and duties” of the substitute member.

Also in subsection (d) of this section, the former reference to duties “imposed by law” is deleted as unnecessary.

Also in subsection (d) of this section, the former reference to the substitute member being “subject to” the duties of a regular member is deleted as surplusage.

The term of the substitute member serving on October 1, 2016, ends on May 5, 2017.

Defined term: “Board” § 15–101

15–204. CHAIR.

IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE REGULAR MEMBERS OF THE BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Caroline County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The reference to “regular members” is substituted for the former reference to “appointees” for clarity and to conform to the terminology used throughout this subtitle.

Defined term: “Board” § 15–101

15–205. COMPENSATION; STAFF.

(A) COMPENSATION.

(1) (I) THE REGULAR MEMBERS OF THE BOARD SHALL RECEIVE ANNUAL SALARIES AS DETERMINED BY THE COUNTY COMMISSIONERS, BUT NOT LESS THAN:

- 1. \$3,000 FOR THE CHAIR OF THE BOARD; AND**
- 2. \$2,500 FOR EACH OTHER REGULAR MEMBER OF THE BOARD.**

(II) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE \$100 PER MEETING ATTENDED BUT NOT MORE THAN \$2,000 IN ANY 1–YEAR PERIOD.

(2) THE CHAIR, OTHER REGULAR MEMBERS, AND THE SUBSTITUTE MEMBER OF THE BOARD SHALL BE REIMBURSED FOR EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES IN ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.

(B) STAFF.

(1) THE BOARD MAY:

(I) EMPLOY:

- 1. A SECRETARY; AND**
- 2. CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

(II) SET THE COMPENSATION OF THE EMPLOYEES.

(2) (I) THE BOARD MAY APPOINT AN ATTORNEY FOR THE BOARD.

(II) THE COUNTY COMMISSIONERS SHALL SET THE COMPENSATION FOR THE ATTORNEY.

(III) THE ATTORNEY IS SUBJECT TO THE COUNTY ETHICS ORDINANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(g) and 15–112(g)(3) and, except as it related to the authority of the Board to employ inspectors, (a)(2).

In the introductory language of subsection (a)(1)(i) of this section, the reference to the “regular” members of the Board is added for clarity.

In subsection (a)(1)(i)1 and (2) of this section, the references to the “chair” are substituted for the former references to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(1)(ii) of this section, the reference to the substitute member receiving \$100 per meeting “attended” is added to reflect the long-standing practice of the Board.

In subsection (a)(2) of this section, the reference to the chair, other regular members, and the substitute member “of the Board” is added for clarity.

Also in subsection (a)(2) of this section, the reference to “other regular” members is substituted for the former reference to “associate” members to conform to the terminology used throughout this subtitle.

In subsection (b)(1) of this section, the former phrase “except as otherwise provided by this article” is deleted as unnecessary.

In subsection (b)(1)(i)2 of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–112(g)(1), which provided that “[t]his subsection applies only in Caroline County”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 15–101
“County” § 15–101

15–206. INSPECTOR.

(A) COUNTY CODES ADMINISTRATOR AS INSPECTOR.

THE COUNTY CODES ADMINISTRATOR IS THE INSPECTOR FOR THE BOARD.

(B) DUTIES.

THE BOARD SHALL SPECIFY THE DUTIES OF THE INSPECTOR, INCLUDING THE ADMINISTRATION AND ENFORCEMENT OF THE ALCOHOLIC BEVERAGES LAWS OF THE COUNTY.

(C) SALARY.

THE SALARY OF THE INSPECTOR SHALL AS BE PROVIDED IN THE COUNTY BUDGET.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(g)(2).

In subsection (b) of this section, the former reference to the “proper” administration and enforcement of the alcoholic beverages laws is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 15–101

“County” § 15–101

15–207. REGULATIONS.

THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Caroline County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 15–101

SUBTITLE 3. LIQUOR CONTROL.**15-301. LIQUOR CONTROL — NOT APPLICABLE.**

THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: "County" § 15-101

SUBTITLE 4. MANUFACTURER'S LICENSES.**15-401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-205 ("CLASS 3 WINERY LICENSE");**
- (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**
- (6) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (7) § 2-209 ("CLASS 7 MICRO-BREWERY LICENSE");**
- (8) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (9) § 2-211 ("RESIDENCY REQUIREMENT");**
- (10) § 2-212 ("ADDITIONAL LICENSES");**
- (11) § 2-213 ("ADDITIONAL FEES");**

(12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

(13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);

(14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);

(15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND

(2) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”).

REVISOR’S NOTE: Subsection (a)(1) through (6) and (8) through (16) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (a)(7) of this section is new language derived without substantive change from former Art. 2B, § 2-208(b)(2)(vii).

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from former Art. 2B, § 2-207(a)(4)(ii).

Defined terms: “County” § 15-101

“Manufacturer’s license” § 1-101

15-402. HOURS AND DAYS OF SALE OR DELIVERY.

A HOLDER OF A MANUFACTURER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101
“Manufacturer’s license” § 1–101

SUBTITLE 5. WHOLESALER'S LICENSES.

15–501. APPLICATION OF GENERAL PROVISIONS.

TITLE 2, SUBTITLE 3 (“WHOLESALER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler's licenses.

Defined terms: “County” § 15–101
“Wholesaler’s license” § 1–101

15–502. HOURS AND DAYS OF SALE OR DELIVERY.

EXCEPT AS PROVIDED IN § 15–503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(a).

Defined terms: “Alcoholic beverage” § 1–101
“Wholesaler’s license” § 1–101

15–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.

(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.

A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE

TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.

THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include the type of equipment ... to dispense draft beer” is substituted for the former language that the “parties shall agree upon the type of equipment ... for the dispensing of draft beer” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

SUBTITLE 6. BEER LICENSES.

15–601. CLASS A BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$250.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(g) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101

“Consumer” § 1–101

15–602. CLASS B BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$250.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(g) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

15–603. CLASS C BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$250.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(g) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101
“Club” § 1–101

15–604. CLASS D BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.

(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$300.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(g) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on– and off–premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1–101

SUBTITLE 7. WINE LICENSES.

15-701. CLASS A WINE LICENSE.**(A) ESTABLISHED.**

THERE IS A CLASS A WINE LICENSE IN THE COUNTY.

(B) AUTHORIZED HOLDER.

THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.

(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(D) FEE.

THE ANNUAL LICENSE FEE SHALL BE SET BY THE BOARD OF LICENSE COMMISSIONERS WITH THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(4), (b)(5), (c)(1), and (d)(1).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 manufacturer's license" to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued "by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 15–101
“Wine” § 1–101

SUBTITLE 8. BEER AND WINE LICENSES.

15–801. CLASS A BEER AND WINE LICENSE.

(A) ESTABLISHED.

THERE IS:

(1) A CLASS A BEER AND WINE 6–DAY LICENSE; AND

(2) A CLASS A BEER AND WINE 7–DAY LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.

(C) FEES.

THE ANNUAL LICENSE FEES ARE:

(1) \$600 FOR A 6–DAY LICENSE; AND

(2) \$900 FOR A 7–DAY LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(a)(1) and (g)(2) and (3).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers,” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Former Art. 2B, § 5–101(g)(1), which stated that former Art. 2B, § 5–101(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

15–802. CLASS B BEER AND WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER AND WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(g) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

15–803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.

A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(g).

Defined terms: “Beer” § 1–101

“County” § 15–101

“Wine” § 1–101

15–804. CLASS D BEER AND WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER AND WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.

(C) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(g) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

15–805. CLASS H BEER AND WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS H BEER AND WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–202(e) and (b)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Former Art. 2B, § 5–202(a)(2), which stated that former Art. 2B, § 5–202 applied in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.

15–901. CLASS A BEER, WINE, AND LIQUOR LICENSES.

(A) ESTABLISHED.

THERE IS:

(1) A 6–DAY CLASS A BEER, WINE, AND LIQUOR LICENSE; AND

(2) A 7–DAY CLASS A BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) EACH LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(C) DRUGSTORE PROHIBITION; EXCEPTION.

THE 6–DAY OR 7–DAY LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:

(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;

(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR

(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.

(D) FEE.

THE ANNUAL LICENSE FEE IS:

(1) \$1,250 FOR A 6–DAY LICENSE; AND

(2) \$1,600 FOR A 7–DAY LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(a)(1) and (3) and (g)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the reference to “sell” is substituted for the former reference to “deliver” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, references to the phrase “beer, wine, or liquor” are substituted for the references to the phrase “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as unnecessary.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Former Art. 2B, § 6–101(g)(1), which stated that former Art. 2B, § 6–101(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

15–902. CLASS B BEER, WINE, AND LIQUOR LICENSES.

(A) ESTABLISHED.

THERE IS:

(1) A 6–DAY CLASS B BEER, WINE, AND LIQUOR LICENSE; AND

(2) A 7–DAY CLASS B BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:

(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;

(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND

(3) CONTAINS:

(I) AT LEAST ONE PASSENGER ELEVATOR;

(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC; AND

(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.

(C) SCOPE OF AUTHORIZATION.

EACH LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AT A HOTEL OR RESTAURANT AS DEFINED BY THE BOARD AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(D) FEE.

THE ANNUAL LICENSE FEE IS:

(1) \$1,000 FOR A 6-DAY LICENSE; AND

(2) \$1,250 FOR A 7-DAY LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from the former Art. 2B, § 6-201(a)(1) and (3)(i) and (g)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(3)(iii) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this subsection refers only to human beings.

Subsection (c) of this section states expressly what was only implicit in the former law, that the Board is the issuing authority.

In subsection (c) of this section, the former reference to a “[b]ona fide” hotel and restaurant is deleted as vague.

Former Art. 2B, § 6–201(g)(1), which stated that former Art. 2B, § 6–201(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 15–101

“Hotel” § 1–101

“Restaurant” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

15–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY:

(I) A NONPROFIT COUNTRY CLUB;

(II) A NONPROFIT YACHT CLUB; OR

(III) A VETERANS’ ORGANIZATION COMPOSED ONLY OF MEMBERS.

(2) THE CLUB OR ORGANIZATION SHALL:

(I) OPERATE ONLY FOR THE USE OF ITS MEMBERS AND GUESTS ACCOMPANIED BY MEMBERS;

(II) MEET IN A CLUBHOUSE THAT IS USED EXCLUSIVELY FOR ITS MEMBERS AND GUESTS; AND

(III) 1. HAVE AT LEAST 100 MEMBERS PAYING THE DUES THAT WERE REQUIRED IN THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED; OR

2. FOR ORGANIZATIONS AFFILIATED WITH A NATIONAL ORGANIZATION AND COMPOSED EXCLUSIVELY OF MEMBERS WHO SERVE IN THE ARMED FORCES OF THE UNITED STATES, HAVE AT LEAST 50 MEMBERS PAYING THE DUES THAT WERE REQUIRED BY THE NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (g)(2) through (4).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2)(ii) of this section, the reference to a clubhouse that is used “exclusively for its members and guests” is substituted for the former phrase “for no other purpose” for clarity.

In subsection (b)(2)(iii) of this section, the former references to “bona fide” members are deleted as surplusage.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6–301(g)(1), which stated that former Art. 2B, § 6–301(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 15–101

“Club” § 1–101

“Wine” § 1–101

15–904. CLASS D BEER, WINE, AND LIQUOR LICENSES.

(A) ESTABLISHED.

THERE IS:

(1) A 6–DAY CLASS D BEER, WINE, AND LIQUOR LICENSE; AND

(2) A 7–DAY CLASS D BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

EACH LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.

(C) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

(D) FEE.

THE ANNUAL LICENSE FEE IS:

(1) \$1,250 FOR A 6–DAY LICENSE; AND

(2) \$1,600 FOR A 7–DAY LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(a)(1) and (g)(2) through (5).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the phrase “at the place described in the license” is substituted for the former phrase “at the place described in it” for clarity.

Former Art. 2B, § 6–401(g)(1), which stated that former Art. 2B, § 6–401(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

15–1001. GOLF COURSE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A GOLF COURSE THAT:

- (1) IS OPEN TO THE PUBLIC;**
- (2) IS OPERATED FOR PROFIT;**
- (3) OWNS REAL ESTATE IN THE COUNTY; AND**
- (4) HAS A GOLF COURSE WITH A MINIMUM OF 18 HOLES.**

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, THAT ARE USED FOR GOLFING PURPOSES.

- (2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$1,600.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–507.1(b) through (g).

In subsection (a) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor” is substituted for the former reference to the “hours and days for sale ... are” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8–507.1(a), which stated that the provisions of former Art. 2B, § 8–507.1 applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 15–101

“County” § 15–101

“Wine” § 1–101

SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**15–1101. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);
AND

(2) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”).

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 15-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

SUBTITLE 12. CATERER’S LICENSES.**15-1201. LOCAL CATERER’S LICENSE.****(A) ESTABLISHED.**

THERE IS A LOCAL CATERER’S LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A PERSON TO CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE EVENT TO PROVIDE FOOD AND ALCOHOLIC BEVERAGES IF THE PERSON HOLDS:

(1) AN ALCOHOLIC BEVERAGES LICENSE ISSUED IN THE COUNTY;
AND

(2) A CATERER’S LICENSE ISSUED BY THE COUNTY HEALTH DEPARTMENT.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES A HOLDER TO:

(1) SELL OR PROVIDE ALCOHOLIC BEVERAGES ON THE PREMISES OF A CATERED EVENT DURING THE EVENT; AND

(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.

(D) FOOD REQUIREMENT.

THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.

(E) FEE.

THE BOARD SHALL SET THE FEE FOR THE LICENSE.

(F) EFFECT OF SECTION.

THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Caroline County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6–702.1(b) through (f).

In subsection (c)(2) of this section, the former phrase “in Caroline County” is deleted as surplusage.

In subsection (d) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section the reference to a “local” caterer's license is added for clarity.

Also in subsection (f) of this section, the reference to the premises “for which the Class B license is issued” is substituted for the former reference to premises “that is covered by the existing license” for clarity.

Former Art. 2B, § 6–702.1(a), which stated that former Art. 2B, § 6–702.1 applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 15–101

“County” § 15–101

“Hotel” § 1–101

“On-sale” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

SUBTITLE 13. TEMPORARY LICENSES.

PART I. IN GENERAL.

15–1301. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);

(2) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);

(3) § 4–1205 (“LICENSE FEES”);

(4) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);

(5) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

(6) § 4–1208 (“HOURS AND DAYS OF SALE”); AND

(7) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).

(B) VARIATION.

SECTION 4–1202 (“PER DIEM LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15–1307 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 15–101

15–1302. RESERVED.

15-1303. RESERVED.

PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

15-1304. BEER AND WINE TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A 1-DAY BEER AND WINE TASTING (BWT) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CURRENT LICENSE OR AN ORGANIZATION THAT QUALIFIES FOR A CLASS C BEER OR CLASS C BEER AND WINE LICENSE UNDER § 4-1203 OF THIS ARTICLE.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER OR WINE FOR TASTING IF:

(I) THE CONSUMER IS NOT CHARGED FOR THE BEER OR WINE;
AND

(II) THE BEER OR WINE IS CONSUMED ON THE LICENSED PREMISES.

(2) THE LICENSE MAY NOT BE ISSUED TO A PERSON MORE THAN 26 TIMES IN A CALENDAR YEAR.

(D) PUBLICATION OF APPLICATION NOT REQUIRED.

THE BOARD NEED NOT PUBLISH A LICENSE APPLICATION BEFORE GRANTING THE LICENSE.

(E) LIMIT ON SERVINGS.

AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:

(1) 3 OUNCES FROM EACH OFFERING OF BEER, AND 8 OUNCES FROM ALL OFFERINGS IN A DAY; AND

(2) 1 OUNCE FROM EACH OFFERING OF WINE, AND 4 OUNCES FROM ALL OFFERINGS IN A DAY.

(F) DISPOSAL OF REMAINING BEER OR WINE.

AT THE END OF THE DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE HOLDER SHALL DISPOSE OF BEER OR WINE THAT REMAINS IN A CONTAINER THAT WAS OPENED FOR TASTING.

(G) FEE.

THE LICENSE FEE IS \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–404.2(b) through (j).

Throughout this section, the former references to “sampling” are deleted as redundant of the reference to “tasting”.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the term “current license” is substituted for the former reference to a “current alcoholic beverages license” for brevity.

Also in subsection (b) of this section, the reference to “a special” license is deleted as surplusage.

In subsections (c)(1) and (f) of this section, the references to “beer or wine” are substituted for the former references to the broader term “alcoholic beverages” in accordance with the scope of this section.

In subsection (c)(1)(ii) of this section, the former reference to the licensed premises “of the holder of the Class BWTS license” is deleted as implicit in the reference to the “licensed premises”.

In the introductory language of subsection (e) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (e)(1) and (2) of this section, the references to “each offering” and all “offerings” are substituted for the former references to “a single brand” and all “brands” for consistency with terminology used throughout this article.

In subsection (f) of this section, the former reference to “unconsumed” beer or wine is deleted as redundant in light of the reference to beer or wine that remains “in a container that was opened for tasting”.

Former Art. 2B, § 8–404.2(a), which stated that former Art. 2B, § 8–404.2 applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 15–101

“Consumer” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Wine” § 1–101

15–1305. RESERVED.

15–1306. RESERVED.

PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.

15–1307. PER DIEM LICENSES.

(A) ESTABLISHED.

THE BOARD MAY ISSUE A PER DIEM LICENSE OF ANY RETAIL CLASS.

(B) SCOPE OF AUTHORIZATION.

A PER DIEM LICENSE AUTHORIZES THE LICENSE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY THE CLASS OF LICENSE AT AN ENTERTAINMENT EVENT HELD BY A CLUB.

(C) LICENSE FORM.

(1) THE LICENSE SHALL BE IN THE FORM THAT THE BOARD REQUIRES.

(2) THE APPLICANT SHALL SIGN THE LICENSE.

(D) LIMIT ON NUMBER OF PER DIEM LICENSES PER YEAR.

THE LICENSE MAY NOT BE ISSUED TO A CLUB MORE THAN 12 TIMES IN A CALENDAR YEAR.

(E) FEE.

THE FEE FOR THE LICENSE IS \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(j)(2) through (4) and (6).

In subsection (a) of this section, the reference to any “retail” class is substituted for the former reference to any class “except manufacturer’s and wholesaler’s” for brevity.

In subsection (b) of this section, the former reference to a “bona fide” entertainment is deleted as surplusage.

Also in subsection (b) of this section, the reference to an entertainment “event” is added to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former references to “society” and an “association” are deleted as included in the term “club”.

In subsection (c) of this section, the former reference to “swear to” the license is deleted as unnecessary in light of the reference to “sign” the license.

In subsection (d) of this section, the reference to “a club” is substituted for the former reference to “any organization” for consistency with the rest of the section.

Former Art. 2B, § 7–101(j)(1), which stated that former Art. 2B, § 7–101(j) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 7–101(j)(5), which required that the license fee be paid to the Board before the license is issued, is deleted because it simply restates the general practice of the Board.

Defined terms: “Board” § 15–101

“Club” § 1–101

“License” § 1–101

15–1308. MULTIPLE EVENT LICENSE.

(A) ESTABLISHED.

INSTEAD OF ISSUING INDIVIDUAL EVENT LICENSES, THE BOARD MAY ISSUE A MULTIPLE EVENT LICENSE FOR A PARTICULAR CLASS OF LICENSE.

(B) LIMIT ON DAYS OF USE.

THE NUMBER OF DAYS FOR WHICH A MULTIPLE EVENT LICENSE MAY BE USED BY A SINGLE APPLICANT MAY NOT EXCEED 40 PER CALENDAR YEAR.

(C) LICENSE REQUIREMENTS; SUBSTITUTE APPLICANTS.

(1) A MULTIPLE EVENT LICENSE SHALL BE ISSUED:

(I) FOR ONE PREMISES ONLY; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO THE SAME APPLICANT FOR ALL EVENTS FOR WHICH THE LICENSE IS ISSUED.

(2) THE BOARD MAY:

(I) APPROVE IN WRITING A SUBSTITUTE APPLICANT; AND

(II) BEFORE APPROVING A SUBSTITUTE APPLICANT, HOLD A HEARING.

(D) CERTIFIED SERVER REQUIRED ON PREMISES.

A SERVER WHO IS CERTIFIED AS HAVING COMPLETED AN ALCOHOL AWARENESS PROGRAM SHALL BE ON THE PREMISES FOR WHICH A MULTIPLE EVENT LICENSE IS ISSUED WHEN ALCOHOLIC BEVERAGES ARE SERVED.

(E) FEES.

(1) THE FEE FOR A MULTIPLE EVENT LICENSE IS:

(I) \$250 FOR NOT MORE THAN 10 EVENTS PER YEAR;

(II) \$500 FOR NOT MORE THAN 20 EVENTS PER YEAR;

(III) \$750 FOR NOT MORE THAN 30 EVENTS PER YEAR; AND

(IV) \$1,000 FOR NOT MORE THAN 40 EVENTS PER YEAR.

(2) THE BOARD MAY NOT ISSUE A REFUND IF THE LICENSE HOLDER HOLDS FEWER EVENTS DURING THE CALENDAR YEAR THAN THE NUMBER OF EVENTS THAT THE LICENSE HOLDER IS ENTITLED TO HOLD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(j)(7)(i) through (iii), (v) through (vii), and (iv)2.

In subsection (a) of this section, the reference to the Board “issu[ing]” a multiple event license is substituted for the former reference to an applicant “purchas[ing]” a license to clarify that the Board of License Commissioners issues a multiple event license the same way other alcoholic beverage licenses are issued.

In subsection (b) of this section, the reference to the number of days for which a multiple event license may be “used” by a single applicant is substituted for the former reference to the number of days for which a license may be “issued to” a single applicant for clarity.

In subsection (d) of this section, the former reference to when alcoholic beverages that are served “under the license” is deleted as surplusage.

Former Art. 2B, § 7–101(j)(7)(iv)1, which stated that the license fee shall be paid in advance, is deleted because it simply restated the routine practice of the Board.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 15–101

“License” § 1–101

15–1309. STORAGE OF ALCOHOLIC BEVERAGES BY FIRE COMPANIES BETWEEN EVENTS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO VOLUNTEER FIRE COMPANIES.

(B) REQUIREMENTS FOR STORAGE.

ALCOHOLIC BEVERAGES MAY BE STORED ON THE LICENSED PREMISES BETWEEN INDIVIDUAL LICENSED EVENTS IF THE ALCOHOLIC BEVERAGES:

(1) ARE IN A SPECIALLY IDENTIFIED LOCKED AND SECURED LOCATION; AND

(2) ARE NOT SOLD OR CONSUMED EXCEPT DURING LICENSED EVENT HOURS FOR LICENSED EVENT PURPOSES.

(C) RECORDKEEPING.

(1) A LICENSE HOLDER SHALL KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES PURCHASED AND SOLD ON THE LICENSED PREMISES.

(2) THE RECORDS SHALL BE:

(I) MAINTAINED ON THE LICENSED PREMISES FOR 2 YEARS;
AND

(II) AVAILABLE FOR INSPECTION BY AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD.

(3) THE RECORDS SHALL INCLUDE A COMPLETED PRE- AND POST-INVENTORY OF ALL ALCOHOLIC BEVERAGES FOR EACH INDIVIDUAL EVENT.

(D) INSPECTIONS.

AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD MAY INSPECT THE PREMISES OF A LICENSE HOLDER AS PROVIDED UNDER § 6-202 OF THIS ARTICLE.

(E) FINES.

A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:

(1) FOR THE FIRST OFFENSE, A FINE OF \$100; AND

(2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 AND DENIAL OF FUTURE REQUESTS FOR A LICENSE FOR AN INDIVIDUAL EVENT OR A SPECIAL MULTIPLE EVENT LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(j)(8).

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 15-101

"Comptroller" § 1-101

"License" § 1-101

"License holder" § 1-101

SUBTITLE 14. APPLICATIONS FOR LICENSES.**15-1401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (7) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);
- (8) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (9) § 4-112 (“DISPOSITION OF LICENSE FEES”);
- (10) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), IN ADDITION TO §§ 15-1402 THROUGH 15-1405 OF THIS SUBTITLE; AND

(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), IN ADDITION TO § 15-1406 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Former Art. 2B, § 10-204(g), which stated that former Art. 2B, § 10-204(a) applied in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “County” § 15-101

15-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.

THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(c)(1)(i), as it related to an application for a new license.

Defined terms: “Board” § 15-101
“Central Repository” § 1-101
“License” § 1-101

15-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED ENVELOPE.

WHEN CONSIDERING AN APPLICATION FOR A NEW LICENSE, THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR DESIGNEES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(c)(1)(iv), as it related to an application for a new license.

Defined terms: “Board” § 15-101
“License” § 1-101

15-1404. RENEWAL.

THE BOARD MAY REQUIRE AN APPLICANT FOR A LICENSE RENEWAL TO MEET THE REQUIREMENTS OF § 4-107 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(c)(3).

Defined terms: “Board” § 15–101

“License” § 1–101

15–1405. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.

THE BOARD SHALL SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(c)(2).

The reference to the “applicant's” fingerprints is added for clarity.

Defined term: “Board” § 15–101

15–1406. STATEMENT TO BE INCLUDED IN APPLICATION.

(A) IN GENERAL.

(1) AN APPLICATION FOR A LICENSE SHALL INCLUDE A STATEMENT THAT:

(I) THE APPLICANT IS AT LEAST 21 YEARS OLD;

(II) THE APPLICANT WILL CARRY ON THE BUSINESS AUTHORIZED BY THE LICENSE FOR THE APPLICANT OR FOR A BUSINESS ENTITY AND NOT AS AN AGENT OF ANOTHER PERSON;

(III) 1. THE APPLICANT WILL MANAGE THE BUSINESS IN PERSON; OR

2. IF THE LICENSE IS ISSUED TO A BUSINESS ENTITY, AN INDIVIDUAL WHO IS SPECIFIED IN THE APPLICATION WILL MANAGE THE BUSINESS;

(IV) THE APPLICANT WILL NOT SELL ALCOHOLIC BEVERAGES DESIGNATED UNDER THE LICENSE TO A PERSON UNDER THE AGE OF 21 YEARS; AND

(V) THE APPLICANT CONSENTS TO THE USE OF EVIDENCE DISCOVERED DURING A LAWFUL INSPECTION OF THE LICENSED PREMISES AS ADMISSIBLE IN A PROSECUTION OR ON A HEARING FOR A REVOCATION, SUSPENSION, OR RESTRICTION OF THE LICENSE.

(2) THE APPLICANT SHALL VERIFY THE STATEMENTS IN THE APPLICATION BY AFFIDAVIT MADE BEFORE A NOTARY OR OTHER PERSON AUTHORIZED TO ADMINISTER OATHS.

(B) PENALTY.

A PERSON WHO MAKES A FALSE STATEMENT IN AN APPLICATION IS GUILTY OF THE MISDEMEANOR OF PERJURY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS AND LICENSE REVOCATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(g).

In subsection (a)(1)(ii) of this section, the broad reference to a “business entity” is substituted for the former reference to a “firm, corporation or association” for brevity.

In subsection (a)(1)(iii)1 of this section, the former reference to the applicant who “intends” to manage the business in person is deleted as included in the reference to the applicant who “will” manage the business in person.

Also in subsection (a)(1)(iii)1 of this section, the reference to “manage” is substituted for the former references to “superintend” for clarity. Accordingly, in subsection (a)(1)(iii)2 of this section, the former reference to “superintend” is deleted in light of the reference to “manage”.

In subsection (a)(1)(v) of this section, the former reference to a prosecution “for the violation of the provisions of this or any other act” is deleted as surplusage.

Also in subsection (a)(1)(v) of this section, the former reference to the license “of the person, firm, corporation or association who has obtained a license to sell beverages in such building or premises” is deleted as surplusage.

In subsection (b) of this section, the reference to the “misdemeanor of perjury” is added because, under § 9–102(b) of the Criminal Law Article, perjury is classified as a misdemeanor.

Also in subsection (b) of this section, the reference to “imprisonment not exceeding 10 years”, which is the penalty stated for perjury under § 9–102(b) of the Criminal Law Article, is substituted for the former reference to “the penalties provided by law for that crime” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.

15–1501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**
- (2) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (3) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (4) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (5) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**
- (6) § 4–209 (“HEARING”);**
- (7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (8) § 4–212 (“LICENSE NOT PROPERTY”); AND**
- (9) § 4–213 (“REPLACEMENT LICENSES”).**

(B) EXCEPTION.

SECTION 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 15–1504 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 15–1502 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;

(2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 15–1502 OF THIS SUBTITLE; AND

(3) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”), IN ADDITION TO § 15–1503 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 15–101

“License” § 1–101

“Local licensing board” § 1–101

15–1502. BOWLING ESTABLISHMENTS.

MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:

(1) **THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

(2) **EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

15–1503. ADDITIONAL FACTORS IN DECIDING WHETHER TO APPROVE LICENSE APPLICATION.

BEFORE THE BOARD ISSUES A LICENSE, THE BOARD SHALL CONSIDER AND DETERMINE AS SUITABLE:

(1) THE MORAL CHARACTER AND FINANCIAL RESPONSIBILITY OF THE APPLICANT;

(2) THE APPROPRIATENESS OF THE LOCATION OF THE PLACE DESCRIBED IN THE APPLICATION, TAKING INTO CONSIDERATION THE NUMBER OF EXISTING LICENSES; AND

(3) THE GENERAL FITNESS OF THE APPLICANT TO UPHOLD THE PUBLIC TRUST.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(f)(1).

In the introductory language of subsection (a) of this section, the requirement that the Board “consider and determine as suitable” specified factors before issuing a license is substituted for the former requirement that the Board “satisfy themselves” of specified factors before issuing a license for clarity.

In subsection (a)(2) of this section, the reference to the location “of the place described in the application” is substituted for the former reference to the location “where such licensed business is to be conducted” for clarity, brevity, and consistency within this revised article.

Also in subsection (a)(2) of this section, the reference to “existing” licenses is substituted for the former reference to licenses “already issued” for clarity.

In subsection (a)(3) of this section, the reference to the fitness of the applicant “to uphold the public trust” is substituted for the former reference to the fitness of the applicant “for the trust to be reposed” for clarity.

Defined terms: “Board” § 15–101

“License” § 1–101

15–1504. WAITING PERIOD AFTER DENIAL BECAUSE OF SUITABILITY.

(A) SUITABILITY OF APPLICANT.

IF A LICENSE APPLICATION IS DENIED ON GROUNDS RELATING TO THE SUITABILITY OF THE APPLICANT, THE BOARD MAY NOT RECEIVE ANOTHER APPLICATION FROM THE APPLICANT FOR ANY TYPE OF LICENSE AT ANY PREMISES FOR 6 MONTHS AFTER THE DENIAL.

(B) SUITABILITY OF PREMISES.

IF A LICENSE APPLICATION IS DENIED ON GROUNDS RELATING TO THE SUITABILITY OF THE LOCATION DESCRIBED IN THE APPLICATION, THE BOARD MAY NOT RECEIVE ANY TYPE OF LICENSE APPLICATION FOR THE LOCATION FOR 1 YEAR AFTER THE DENIAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–208(e)(2) and (3).

In this section, the former references to “the date of” refusal are deleted as surplusage.

In subsection (a) of this section, the former references to “applicants” are deleted in light of the references to “applicant” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (b) of this section, the reference to the “location described in the application” is substituted for the former reference to the “premises applied for” for consistency with terminology used throughout this article. Similarly, the reference to the “location” is substituted for the former reference to the “premises”.

Former Art. 2B, § 10–208(e)(1), which stated that former Art. 2B, § 10–208(e) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 15–101
“License” § 1–101

15–1505. EXCHANGE OF LICENSE.

A LICENSE HOLDER MAY EXCHANGE THE LICENSE FOR ANY OTHER LICENSE FOR THE SAME PREMISES BY COMPLYING WITH THE APPLICATION PROCEDURES OF THIS TITLE AND PAYING THE LICENSE FEES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(c), as it related to Caroline County.

The reference to the authority of a holder of a license to “exchange the license for any other license” is substituted for the former reference to the authority of a licensee “to obtain any type of license under this article” for clarity.

The reference to the “license fee” is substituted for the former reference to “fees herein prescribed for each class of license”.

Defined terms: “License” § 1–101
“License holder” § 1–101

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 10–202(a)(3)(ii), which provided that the Board, not the clerk, shall issue licenses after the fee has been paid, is deleted as included in the general authority of the Board to issue a license under § 4–202 of this article and the general requirement to pay the license fee before issuance under § 4–111 of this article.

The first sentence of former Art. 2B, § 10–206(b), which provided that licenses shall be dated as of the date of issue and shall expire on the next April 30 after its issuance, is deleted as redundant of § 4–211(c) of this article.

The second sentence of former Art. 2B, § 10–206(b), which provided that licenses issued prior to July 1, 1970, shall expire on July 1, 1970, and authorized pro rata refunds of any unexpired license fees, is deleted as obsolete.

SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.

PART I. LICENSING CONDITIONS.

15–1601. RESERVED.

15–1602. RESERVED.

PART II. MULTIPLE LICENSING PLANS.

15–1603. RESERVED.

SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.

15–1701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”);

(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

(3) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND

(4) § 4-305 (“FILING FEE AND ENDORSEMENT”).

(B) VARIATION.

SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-1702 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 10-503(g).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to the substitution of names of officers that apply in the County with variation.

Defined terms: “County” § 15-101

“License” § 1-101

15-1702. SUBSTITUTION OF NAMES INSTEAD OF TRANSFER.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF A HOLDER OF A LICENSE FOR THE USE OF A BUSINESS OR CLUB WISHES TO SUBSTITUTE ON THE LICENSE THE NAME OF AN OFFICER OF THE BUSINESS OR CLUB, THE LICENSE HOLDER MAY FILE A PETITION FOR SUBSTITUTION WITH THE BOARD INSTEAD OF FILING AN APPLICATION FOR TRANSFER OF THE LICENSE.

(B) REQUIREMENT FOR APPROVAL OF PETITION.

THE BOARD MAY APPROVE THE PETITION ONLY IF THE LICENSE HOLDER DEMONSTRATES THAT THE SUBSTITUTE OFFICER IS FIT TO ENGAGE IN THE BUSINESS AUTHORIZED BY THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(f)(2).

In subsection (a) of this section, the reference to the transfer “of the license” is added for clarity.

Also in subsection (a) of this section, the former reference to “thereafter” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to filing a “formal” application is deleted as surplusage.

In subsection (b) of this section, the reference to the license holder “demonstrat[ing]” is substituted for the former reference to the license holder’s “proper showing” for clarity.

Defined terms: “Board” § 15–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

15–1703. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.

AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(c)(1)(i), as it related to an applicant for a transfer of a license.

The requirements for a State and national criminal history records check for an applicant for a transfer of a license are identical to the requirements for an applicant for the issuance of a license. The cross–reference to “§ 4–107 of this article”, where those requirements appear in the applications for local license subtitle, is substituted for a listing of those requirements, to avoid unnecessary repetition.

Defined terms: “License” § 1–101

“State” § 1–101

15–1704. CRIMINAL HISTORY RECORDS TO BE KEPT IN SEALED ENVELOPE.

(A) TO BE KEPT BY BOARD.

WHEN CONSIDERING A TRANSFER OF A LICENSE, THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORDS IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR DESIGNEES.

(B) FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.

THE BOARD SHALL SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(c)(2) and, as it related to the transfer of a license, (1)(iv).

In subsection (a) of this section, the reference to criminal “history” records is added for clarity and consistency.

In subsection (b) of this section, the reference to the “applicant’s” fingerprints is added for clarity.

Defined terms: “Board” § 15–101

“License” § 1–101

“State” § 1–101

SUBTITLE 18. RENEWAL OF LICENSES.

15–1801. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 15–101

“License” § 1–101

15–1802. CRIMINAL HISTORY RECORDS CHECK.

THE BOARD MAY REQUIRE AN APPLICANT FOR A LICENSE RENEWAL TO MEET THE REQUIREMENTS OF § 4–107 OF THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(c)(3).

Defined terms: “Board” § 15–101

“License” § 1–101

SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.

15–1901. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4-508 (“DISPLAY OF LICENSE”).**

(B) VARIATION.

SECTION 4-505 (“ALCOHOL AWARENESS PROGRAM”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-1902 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 15-101

“License” § 1-101

“License holder” § 1-101

15-1902. ALCOHOL AWARENESS PROGRAM.

(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.

(1) THE INDIVIDUAL CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM MAY BE ABSENT FROM THE LICENSED PREMISES FOR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.

(2) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY

ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.

(B) PENALTY.

A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A \$100 FINE; AND

(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(d) and (c)(2)(i)5 and (iv)2 and 4.

In subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Also in subsection (a)(1) of this section, the former reference to a “bona fide” emergency is deleted as surplusage.

Defined terms: “Board” § 15–101
“License holder” § 1–101

SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.

15–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.

(A) IN GENERAL.

(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.

(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES THAT IS PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Caroline County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of § 3–905 of this article.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101
“Person” § 1–101

15–2002. BEER LICENSES.

(A) CLASS A BEER LICENSE.

A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(B) CLASS B BEER LICENSE.

(1) A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY SELL BEER AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS C BEER LICENSE.

(1) A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY SELL BEER AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER LICENSE.

A HOLDER OF A 7-DAY CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(a)(2), (c)(2), and (d)(2), 11-506(1), and, as it related to beer licenses, 11-403(a)(5).

Throughout this section, the references to "beer" are substituted for the former references to "alcoholic beverages" for clarity.

Former Art. 2B, § 11-403(b)(2)(vi)4, which stated that a Class C beer license holder may sell beer from 8 a.m. to 12 midnight, is deleted as obsolete in light of subsection (c) of this section.

Defined term: "Beer" § 1-101

15-2003. BEER AND WINE LICENSES.

(A) CLASS A BEER AND WINE LICENSE.

A HOLDER OF A 6-DAY OR 7-DAY CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(B) CLASS B BEER AND WINE LICENSE.

RESERVED.

(C) CLASS C BEER AND WINE LICENSE.

A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER AND WINE LICENSE.

A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(E) CLASS H BEER AND WINE LICENSE.

A HOLDER OF A CLASS H BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(a)(3), (c)(4), (d)(4), and (e)(2) and 11-506(2).

Defined terms: "Beer" § 1-101

"Wine" § 1-101

15-2004. BEER, WINE, AND LIQUOR LICENSES.

(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A 6-DAY OR 7-DAY CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.

(2) ON SUNDAY, A HOLDER OF A 7-DAY CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL FOR OFF-PREMISES CONSUMPTION:

(I) BEER AND WINE, FROM 8 A.M. TO MIDNIGHT; AND

(II) LIQUOR, FROM 1 P.M. TO MIDNIGHT.

(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A 6-DAY OR 7-DAY CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE HOLDER OF A 7-DAY CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FROM A BAR OR COUNTER ON SUNDAY.

(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A 6-DAY OR 7-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-303(a)(2)(iii), (b)(1), (c)(1), and (d)(1) and (4), 11-506(3) and (4), and, as it related to beer, wine, and liquor licenses, 11-403(a)(5).

Former Art. 2B, § 11-403(b)(2)(vi)1, 2, 3, and 5, which stated that a holder of a Class A, Class C, or Class D beer, wine, and liquor license may sell beer and wine from midnight to 2 a.m. and from 1 p.m. to midnight and liquor from midnight to 2 a.m. and from 8 a.m. to midnight, is deleted as obsolete. These provisions are superseded by subsections (a), (c), and (d) of this section, which revise former Art. 2B, §§ 11-303(a)(2)(iii), 11-506(4), and 11-303(d)(4).

Defined terms: "Beer" § 1-101

"Wine" § 1-101

15-2005. HOURS FOR DECEMBER 31 AND JANUARY 1.

(A) SALES ON DECEMBER 31 AND JANUARY 1 ALLOWED.

EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A HOLDER OF A LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION MAY SELL THE ALCOHOLIC BEVERAGES ALLOWED BY

THE LICENSE FROM 2 P.M. ON DECEMBER 31 TO MIDNIGHT ON JANUARY 1, NO MATTER WHAT DAYS OF THE WEEK DECEMBER 31 AND JANUARY 1 FALL ON.

(B) SALE DURING HOURS AUTHORIZED BY LICENSE.

A HOLDER OF A LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION MAY SELL ALCOHOLIC BEVERAGES IN ACCORDANCE WITH THE HOURS AUTHORIZED BY THE LICENSE IF THE HOURS SPECIFIED FOR DECEMBER 31 AND JANUARY 1 UNDER SUBSECTION (A) OF THIS SECTION ARE MORE RESTRICTIVE THAN THE REGULAR HOURS.

(C) CLASS B OR D BEER SALES FOR OFF-PREMISES CONSUMPTION.

A HOLDER OF A CLASS B OR CLASS D LICENSE THAT ALLOWS BEER SALES FOR OFF-PREMISES CONSUMPTION MAY SELL BEER ON DECEMBER 31 AND JANUARY 1 IN ACCORDANCE WITH THE PRIVILEGES GRANTED BY THE LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(g)(2).

In subsections (a) and (b) of this section, the references to "a license that allows the sale of alcoholic beverages for on-premises consumption" are substituted for the former references to "any on-sale license" to conform to terminology used throughout this article.

In subsection (b) of this section, the reference to license holders who "may" sell alcoholic beverages is substituted for the former reference to license holders "elect[ing]" to sell alcoholic beverages for clarity.

Former Art. 2B, § 11-402(g)(1), which stated that former Art. 2B, § 11-402(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"License" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 2B, § 11-403(b)(1) and (2)(i) and (ii), which prohibited, with certain exceptions, the selling or providing of alcoholic beverages on Sunday in Caroline, Cecil, Dorchester, Garrett, Harford, Kent, Queen Anne's, Somerset, Talbot, and Worcester counties is deleted as obsolete.

SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.

15-2101. APPLICATION OF GENERAL PROVISIONS.**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
- (3) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**
- (4) § 4-606 (“EFFECTS OF REVOCATION”).**

(B) VARIATION.

SECTION 4-605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-2102 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(4), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 15-101

“License” § 1-101

“Local licensing board” § 1-101

15-2102. NUDITY AND SEXUAL DISPLAYS.

NOTWITHSTANDING THE MANDATORY REVOCATION REQUIREMENT FOR LOCAL LICENSING BOARDS UNDER § 4-605(A) OF THIS ARTICLE, AFTER A FINDING THAT AN ACTIVITY LISTED IN § 4-605 OF THIS ARTICLE HAS OCCURRED, THE BOARD MAY DECIDE WHETHER TO REVOKE A LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-405(j)(2).

The phrase “[n]otwithstanding the mandatory revocation requirement for local licensing boards under § 4-605(a) of this article” is added for clarity.

Former Art. 2B, § 10–405(j)(1), as it related to applying former Art. 2B, § 10–405(j) to Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 15–101

“License” § 1–101

“Local licensing board” § 1–101

SUBTITLE 22. EXPIRATION OF LICENSES.

15–2201. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 15–101

“License” § 1–101

SUBTITLE 23. DEATH OF LICENSE HOLDER.

15–2301. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);

(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);

(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND

(4) § 4–806 (“REFUND”).

(B) VARIATION.

SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-2302 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 15-101

“License” § 1-101

“License holder” § 1-101

15-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.

(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.

(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:

(I) THE SURVIVING SPOUSE;

(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR

(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.

(2) THE NEW LICENSE SHALL BE ISSUED:

(I) FOR THE BALANCE OF THE LICENSE YEAR; AND

(II) WITHOUT FURTHER PROCEEDINGS.

(B) RENEWAL LICENSE.

A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:

(1) THE SURVIVING SPOUSE;

(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR

(3) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(b)(4).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 15–101

“License” § 1–101

“License holder” § 1–101

SUBTITLE 24. JUDICIAL REVIEW.

15–2401. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 15–101

SUBTITLE 25. UNLICENSED ESTABLISHMENTS.

15–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.

(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.

A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, PROVIDE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:

(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND

(2) ALLOWS IN THE ESTABLISHMENT ANY FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4–605 OF THIS ARTICLE.

(B) PROHIBITION AGAINST OPERATOR.

A PERSON WHO OPERATES AN ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–103.2(a), (c), and (d).

In the introductory language of subsection (a) of this section, the reference to a place of “adult entertainment” is substituted for the former reference to a place of public entertainment that “allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article” for clarity.

Also in the introductory language of subsection (a) of this section, the references to “serve” are substituted for the former references to “dispense” for clarity.

Former Art. 2B, § 20–103.2(b), which provided that former Art. 2B, § 20–103.2 applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a) of this section, a place of adult entertainment is not allowed to serve or provide setups, including drinking containers and ice, or other component parts of mixed drinks. This broad prohibition would include such items as ice cubes and ginger ale.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

15–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.

(A) PROHIBITION AGAINST INDIVIDUAL.

FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:

(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;

(2) A PLACE OF PUBLIC ENTERTAINMENT; OR

(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.

(B) PROHIBITION AGAINST OWNER OR MANAGER.

AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsection (a)(1) of this section, the reference to an “establishment” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 15–2501 of this subtitle, a person who operates an unlicensed business establishment who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both. Under this section, however, an owner or a manager of an unlicensed establishment who allows the consumption of alcoholic beverages in the establishment is subject only to a fine not exceeding \$50.

Defined terms: “Alcoholic beverage” § 1–101
“Person” § 1–101

SUBTITLE 26. ENFORCEMENT.

15–2601. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 6–202 (“INSPECTIONS”);

(2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);

(3) § 6-204 (“POWER TO SUMMON WITNESSES”);

(4) § 6-205 (“PEACE OFFICERS”);

(5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);

(6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(9) § 6-211 (“FINES AND FORFEITURES”).

(B) EXCEPTION.

SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 15-2602 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 15-101

“State” § 1-101

15-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.

THE COUNTY MAY:

(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-319 OF THIS ARTICLE; AND

(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(4).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–319 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101
“County” § 15–101

SUBTITLE 27. PROHIBITED ACTS.

15–2701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”);

(2) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);

(3) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);

(4) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”);

(5) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(6) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);

- (7) § 6-310 (“PROVIDING FREE FOOD”);
- (8) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (9) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (10) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (11) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (12) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (13) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (14) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (15) § 6-320 (“DISORDERLY INTOXICATION”);
- (16) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (17) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (18) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (19) § 6-327 (“TAX EVASION”);
- (20) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (21) § 6-329 (“PERJURY”).

(B) VARIATION.

SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-2702 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 15-101

"License holder" § 1-101

"Retail dealer" § 1-101

15-2702. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.

AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-301(a)(2).

The former definition of "unless authorized" is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19-301(a)(1)(i), which stated that former Art. 2B, § 19-301(a)(2) applied in Caroline County, is deleted as unnecessary in light of the organization of this revised title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section does not specify to whom the written consent must be presented.

Defined term: "Alcoholic beverage" § 1-101

15-2703. GAMBLING AT LICENSED ESTABLISHMENT BY INDIVIDUAL UNDER THE AGE OF 18 YEARS.

(A) PROHIBITED.

A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 18 YEARS TO PLAY POOL, BILLIARDS, SHUFFLEBOARD, PINBALL, A CONSOLE MACHINE, OR ANY OTHER GAME OF CHANCE OR SKILL IN THE LICENSED ESTABLISHMENT UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.

(B) PENALTY.

A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–206.

In subsection (b) of this section, the former reference to “indictment” is deleted as unnecessary.

Also in subsection (b) of this section, the former reference to a fine “of not less than \$50” is deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section does not specify a limit on the maximum amount of the fine that may be imposed.

Defined terms: “Beer” § 1–101
“License” § 1–101
“License holder” § 1–101
“Wine” § 1–101

SUBTITLE 28. PENALTIES.

15–2801. APPLICATION OF GENERAL PROVISION.

SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 15–101

15–2802. PENALTY IMPOSED BY BOARD.

(A) FINE OR SUSPENSION.

THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS A CAUSE FOR SUSPENSION OF A LICENSE.

(B) CONDITIONS.

A PENALTY IMPOSED UNDER SUBSECTION (A) OF THIS SECTION:

(1) IS IN ADDITION TO AND DOES NOT LIMIT ANY OTHER PENALTY FOR THE SAME VIOLATION; AND

(2) IS INDEPENDENT OF ANY RELATED COURT ACTION BASED ON THE SAME VIOLATION.

(C) DISPOSITION OF FINES.

FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(g)(2) through (4).

In subsection (a) of this section, the former phrase “under the provisions of this article affecting Caroline County” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to a penalty that “does not” limit any other penalty is substituted for the former reference to a penalty that is “not intended” to limit any other penalty for clarity.

Also in subsection (b)(1) of this section, the former reference to “specific or general” penalties is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to a violation “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the former phrase “[i]ntended to be” is deleted as surplusage.

In subsection (c) of this section, the reference to “[f]ines” is substituted for the former reference to “[a]ll moneys” for clarity.

Former Art. 2B, § 16–507(g)(1), which stated that the provisions of former Art. 2B, § 16–507(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 15–101

“County” § 15–101

“License” § 1–101

TITLE 16. CARROLL COUNTY.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**16–101. DEFINITIONS.****(A) IN GENERAL.****IN THIS TITLE:**

(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND

(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

(B) BOARD.

“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CARROLL COUNTY.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Carroll County”.

(C) COUNTY.

“COUNTY” MEANS CARROLL COUNTY.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to “Carroll County”.

16–102. SCOPE OF TITLE.

THIS TITLE APPLIES ONLY IN CARROLL COUNTY.

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

16–103. COPY OF LEGISLATION.

A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101
“County” § 16–101

GENERAL REVISOR'S NOTE TO SUBTITLE

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(h), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.

16–201. ESTABLISHED.

THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CARROLL COUNTY.

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Carroll County exists.

16–202. MEMBERSHIP.

(A) COMPOSITION; APPOINTMENT OF MEMBERS.

THE COUNTY COMMISSIONERS SHALL APPOINT THREE MEMBERS TO THE BOARD.

(B) TENURE.

(1) THE TERM OF A REGULAR MEMBER IS 3 YEARS.

(2) THE TERMS OF THE REGULAR MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.

(C) REMOVAL.

THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15–104(a)(1), except as it related to the chair of the Board, and the first sentence of § 15–110(b).

In subsection (a) of this section, the reference to “members” is substituted for the former reference to “persons” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former reference to members “constitut[ing]” the Board “of license commissioners for said county” is deleted as surplusage.

In subsection (b) of this section, the references to “regular” members of the Board are added for clarity.

Also in subsection (b) of this section, the requirement that the terms of the members of the Board be staggered as required on July 1, 2016, is substituted for the former obsolete requirement that the “first member of the Board be appointed for one, two and three year terms, respectively ... each”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Carroll County.

In subsection (c) of this section, the reference to “misconduct in office, incompetence, or willful neglect of duty” is substituted for the former reference to “the causes in this section prescribed” for clarity.

Also in subsection (c) of this section, the former reference to the County Commissioners removing a member of a board of license commissioners “appointed by them” is deleted as unnecessary because all of the members are appointed by the County Commissioners.

Former Art. 2B, § 15–101(h), which provided that the provisions of former Art. 2B, § 15–104 apply in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 16–101
“County” § 16–101

16–203. SUBSTITUTE MEMBER.

(A) APPOINTMENT BY COUNTY COMMISSIONERS.

THE COUNTY COMMISSIONERS SHALL APPOINT ONE SUBSTITUTE MEMBER TO THE BOARD TO SERVE IF A REGULAR MEMBER IS ABSENT OR INCAPACITATED.

(B) TENURE.

THE COUNTY COMMISSIONERS SHALL PROVIDE A TERM OF OFFICE FOR THE SUBSTITUTE MEMBER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–104(a)(2)(i) and, except as it related to the salary of the substitute member, (ii).

In subsection (a) of this section, the reference to a “substitute” member is substituted for the former reference to an “additional” member to conform to the terminology used throughout this subtitle.

Defined terms: “Board” § 16–101
“County” § 16–101

16–204. CHAIR.

THE COUNTY COMMISSIONERS SHALL DESIGNATE A CHAIR FROM AMONG THE REGULAR MEMBERS OF THE BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15–104(a)(1), as it related to the designation of a chair.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The phrase “from among the regular members of the Board” is substituted for the former phrase “one of them” for clarity.

Defined terms: “Board” § 16–101

“County” § 16–101

16–205. MEETINGS; SALARIES; STAFF.

(A) MEETINGS.

THE BOARD SHALL MEET AT LEAST ONCE A MONTH.

(B) SALARIES.

THE COUNTY COMMISSIONERS SHALL SET:

(1) THE ANNUAL SALARIES OF THE REGULAR MEMBERS OF THE BOARD; AND

(2) THE SALARY OF THE SUBSTITUTE MEMBER ON A PER DIEM BASIS.

(C) STAFF.

THE BOARD MAY:

(1) EMPLOY:

(I) A SECRETARY;

(II) INSPECTORS; AND

(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND

(2) SET THE COMPENSATION OF THE EMPLOYEES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(h), 15–112(a)(2), and 15–104(a)(2)(ii), as it related to the salary of the substitute member, and the second sentence of (a)(1).

In subsection (b)(1) of this section, the reference to “regular” members of the Board is added for clarity.

In subsection (b)(2) of this section, the reference to a “substitute” member is substituted for the former reference to an “additional” member to conform to the terminology used throughout this subtitle.

In subsection (c) of this section, the former phrase “except as otherwise provided by this article” is deleted as unnecessary.

In subsection (c)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Defined terms: “Board” § 16–101

“County” § 16–101

16–206. REGULATIONS.

THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Carroll County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 16–101

SUBTITLE 3. LIQUOR CONTROL.

16–301. LIQUOR CONTROL — NOT APPLICABLE.

THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 16–101

SUBTITLE 4. MANUFACTURER’S LICENSES.

16–401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (6) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (7) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (8) § 2–212 (“ADDITIONAL LICENSES”);**
- (9) § 2–213 (“ADDITIONAL FEES”);**
- (10) § 2–214 (“SALE OR DELIVERY RESTRICTED”);**
- (11) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);**
- (12) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**
- (13) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).**

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND

(2) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”).

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”), SUBJECT TO § 16–403 OF THIS SUBTITLE;

(2) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”), SUBJECT TO § 16–404 OF THIS SUBTITLE; AND

(3) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”), SUBJECT TO § 16–405 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12–112(a), as it limited to specific jurisdictions, not including Carroll County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2–215 of Division I of this article. No substantive change is intended.

Defined terms: “County” § 16–101

“Manufacturer’s license” § 1–101

16–402. HOURS AND DAYS OF SALE OR DELIVERY.

A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(b)(5).

Defined terms: “Alcoholic beverage” § 1–101

“Manufacturer’s license” § 1–101

16–403. CLASS 4 LIMITED WINERY LICENSE.

(A) APPLICATION OF SECTION.

THIS SECTION APPLIES TO A CLASS 4 LIMITED WINERY LICENSE IN THE COUNTY.

(B) CLASS A WINE LICENSE — QUOTA EXEMPTION.

A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE THAT APPLIES FOR A CLASS A WINE LICENSE UNDER § 16–701 OF THIS TITLE IS EXEMPT FROM ANY LICENSE POPULATION QUOTA LIMITATION ESTABLISHED UNDER § 16–1601 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2–205(b)(1) and 9–207(h)(5).

In subsection (b) of this section, the reference to a “license population” quota limitation is added for consistency within this division.

Also in subsection (b) of this section, the reference to a “holder of a Class 4 limited winery license” is substituted for the former reference to a “winery” for clarity and consistency with § 16–701 of this title.

Defined terms: “County” § 16–101

“License” § 1–101

“Wine” § 1–101

16–404. CLASS 6 PUB–BREWERY LICENSE.

(A) APPLICATION OF SECTION.

THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.

(B) REFILLABLE CONTAINERS — NOT APPLICABLE.

SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-207(a)(4), as it related to the availability of a Class 6 pub-brewery license in Carroll County, and, as it authorized off-sale privileges of beer in refillable containers only in specific jurisdictions, not including Carroll County, the introductory language of (g)(1).

Defined terms: "County" § 16-101
"License" § 1-101

16-405. CLASS 7 MICRO-BREWERY LICENSE.

(A) APPLICATION OF SECTION.

THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE COUNTY.

(B) DISTANCE RESTRICTION.

(1) IN THIS SUBSECTION, "PROTECTED BUILDING" MEANS:

- (I) AN ELEMENTARY SCHOOL;**
- (II) A SECONDARY SCHOOL; OR**
- (III) A CHURCH OR OTHER PLACE OF WORSHIP.**

(2) PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY TO A MICRO-BREWERY THAT WAS IN EXISTENCE ON JULY 1, 1997.

(3) (I) A MICRO-BREWERY MAY NOT BE LOCATED WITHIN 300 FEET OF A PROTECTED BUILDING.

(II) THE DISTANCE SHALL BE MEASURED FROM THE NEAREST POINT OF THE BUILDING IN WHICH THE MICRO-BREWERY IS LOCATED TO THE NEAREST POINT OF THE PROPERTY LINE ON WHICH THE PROTECTED BUILDING IS LOCATED.

(4) NOTWITHSTANDING PARAGRAPH (3) OF THIS SUBSECTION, IF A MICRO-BREWERY WAS ESTABLISHED AT ITS LICENSED PREMISES BEFORE A PROTECTED BUILDING WAS ESTABLISHED WITHIN 300 FEET OF THE MICRO-BREWERY, THE COMPTROLLER MAY RENEW THE LICENSE OF THE MICRO-BREWERY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2–208(a) and (b)(2)(viii) and 9–207(c) through (g).

In subsection (b) of this section, the references to a “micro–brewery” are substituted for the former references to “licensed premises” for clarity.

In subsection (b)(2) of this section, the reference to “[p]aragraph (3) of this subsection” is substituted for the former reference to “[d]istance restriction requirements” for clarity.

In subsection (b)(3)(i) of this section, the requirement that a micro–brewery “may not be located within” a specific distance of a protected building is substituted for the former reference to the “distance restriction requirement between” a micro–brewery and a protected building being a specific distance for clarity.

In subsection (b)(4) of this section, the reference to renewing the license “of the micro–brewery” is added for clarity.

Also in subsection (b)(4) of this section, the reference to a micro–brewery that “was established at its licensed premises before a protected building was established” within a specific distance is substituted for the former reference to a micro–brewery that “preceded the location of the protected building but the protected building is located” within a specific distance for clarity.

Also in subsection (b)(4) of this section, the former reference to the “Office of the” Comptroller is deleted as unnecessary.

Former Art. 2B, § 2–208(i), which provided a cross–reference to distance restrictions applicable to micro–breweries in Carroll County, is deleted as unnecessary in light of the revision of those restrictions in subsection (b) of this section.

Former Art. 2B, § 9–207(b), which provided that the distance restrictions applied only to micro–brewery licenses as set forth in former Art. 2B, § 2–208, is deleted as unnecessary in light of subsection (a) of this section and the use of the term “micro–brewery” throughout this section.

Defined terms: “Comptroller” § 1–101

“County” § 16–101

“License” § 1–101

SUBTITLE 5. WHOLESALE'S LICENSES.

16–501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);
- (2) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);
- (3) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);
- (4) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);
- (5) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);
- (6) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);
- (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2–314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Subsection (b) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12–112(a), as it limited to specific jurisdictions, not including Carroll County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2–314 of this article. No substantive change is intended.

Defined terms: “County” § 16–101
“Wholesaler’s license” § 1–101

16–502. HOURS AND DAYS OF SALE OR DELIVERY.

EXCEPT AS PROVIDED IN § 16–503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(a).

Defined terms: “Alcoholic beverage” § 1–101
“Wholesaler’s license” § 1–101

16–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.

(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.

A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.

THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

SUBTITLE 6. BEER LICENSES.

16–601. CLASS A BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.

(C) FEE.

THE ANNUAL LICENSE FEE IS:

(1) FROM JULY 1, 2014, TO JUNE 30, 2017, \$200; AND

(2) BEGINNING ON JULY 1, 2017, \$250.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(h) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101

“Consumer” § 1–101

16–602. CLASS B BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$130.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(h) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

16–603. CLASS C BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(h) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101
“Club” § 1–101

16–604. CLASS D BEER LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS D BEER LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.

(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$250.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(h) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on- and off-premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1–101

SUBTITLE 7. WINE LICENSES.

16-701. CLASS A WINE LICENSE.**(A) ESTABLISHED.**

THERE IS A CLASS A WINE LICENSE IN THE COUNTY.

(B) AUTHORIZED HOLDER.

THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.

(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(5), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 manufacturer's license" to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued "by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (c)(1) of this section, the former phrase "in any quantity to any consumer" is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 16–101
“Wine” § 1–101

SUBTITLE 8. BEER AND WINE LICENSES.

16–801. CLASS A BEER AND WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS A BEER AND WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.

(C) FEE.

THE ANNUAL LICENSE FEE IS:

(1) FROM JULY 1, 2014, TO JUNE 30, 2017, \$340; AND

(2) BEGINNING ON JULY 1, 2017, \$500.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(h) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

16–802. CLASS B BEER AND WINE LICENSE.

(A) ESTABLISHED.

THERE IS:

(1) A CLASS B BEER AND WINE 6–DAY LICENSE; AND

(2) A CLASS B BEER AND WINE 7–DAY LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.

(C) FEES.

THE ANNUAL LICENSE FEES ARE:

(1) \$160 FOR A 6–DAY LICENSE; AND

(2) \$1,000 FOR A 7–DAY LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(h) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

16–803. CLASS C BEER AND WINE LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER AND WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$70.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(h) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

16–804. CLASS D BEER AND WINE LICENSE.**(A) ESTABLISHED.**

THERE IS A CLASS D BEER AND WINE LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

(C) DRUGSTORE PROHIBITION.

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

(D) FEE.

THE ANNUAL LICENSE FEE IS \$250.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(a)(1) and (h)(3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Former Art. 2B, § 5–401(h)(1), which stated that former Art. 2B, § 5–401(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**16–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

(C) DRUGSTORE PROHIBITION; EXCEPTION.

THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:

(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;

(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR

(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.

(D) FEE.

THE ANNUAL LICENSE FEE IS:

(1) FROM JULY 1, 2014, TO JUNE 30, 2017, \$850; AND

(2) BEGINNING ON JULY 1, 2017, \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(h) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, references to “beer, wine, or liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as unnecessary.

Also in subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

16–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR USE BY:

(1) A HOTEL THAT:

(I) ACCOMMODATES THE PUBLIC BY PROVIDING SERVICE ORDINARILY FOUND IN HOTELS;

(II) HAS:

1. AT LEAST 25 ROOMS;

2. A LOBBY WITH REGISTRATION AND MAIL DESK; AND

3. A DINING ROOM THAT SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY AND THAT HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 50 INDIVIDUALS; AND

(III) IS OPERATED IN FACILITIES THAT ARE VALUED FOR STATE AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$50,000; OR

(2) A RESTAURANT THAT:

(I) IS OPEN FOR BUSINESS AT LEAST 5 DAYS A WEEK AND SERVES AT LEAST:

1. TWO FULL-COURSE MEALS EACH DAY IT IS OPEN FROM MONDAY TO FRIDAY; AND

2. ONE FULL-COURSE MEAL EACH DAY IT IS OPEN ON SATURDAY AND SUNDAY;

(II) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 50 INDIVIDUALS; AND

(III) IS OPERATED IN FACILITIES THAT ARE VALUED FOR STATE AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$50,000.

(C) SCOPE OF AUTHORIZATION.

(1) IN THIS SUBSECTION, “PREMISES” MEANS AN AREA:

(I) INSIDE THE RESTAURANT WHERE MEALS ARE PREPARED AND SERVED; OR

(II) OUTSIDE THE RESTAURANT THAT IS APPROVED IN WRITING BY THE BOARD.

(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:

(I) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION;

(II) BEER FOR OFF-PREMISES CONSUMPTION 7 DAYS A WEEK; AND

(III) WINE FOR OFF-PREMISES CONSUMPTION 7 DAYS A WEEK IF:

1. THE AREA USED TO PREPARE AND CONSUME FOOD AND BEVERAGES OCCUPIES AT LEAST 90% OF THE SQUARE FOOTAGE OF THE LICENSED PREMISES; AND

2. THE LICENSE HOLDER DOES NOT SELL MORE THAN SIX BOTTLES OF WINE TO AN INDIVIDUAL AT ONE TIME.

(D) VALUATION OF NEW OR IMPROVED BUILDING FOR ASSESSMENT AND TAXATION.

(1) IF A LICENSE APPLICATION IS MADE FOR A NEW OR IMPROVED BUILDING, ON REQUEST BY THE BOARD THE SUPERVISOR OF ASSESSMENTS SHALL ASSESS THE BUILDING AND ADVISE THE BOARD OF THE VALUATION OF THE BUILDING FOR ASSESSMENT AND TAXATION.

(2) THE VALUATION OF THE BUILDING FOR ASSESSMENT AND TAXATION DOES NOT AFFECT THE RENEWAL OR TRANSFER OF A CLASS B LICENSE ISSUED BEFORE MAY 1, 1979.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$1,500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(h)(2) and, as it related to the existence of a Class B license, (a)(1).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the former reference to a “bona fide” hotel is deleted as surplusage.

In subsection (b)(1)(ii)3 and (2)(ii) of this section, the references to “individuals” are substituted for the former, broader references to “persons” because the provisions refer only to human beings.

Also in subsection (b)(1)(ii)3 and (2)(ii), the former references to seating “capacity” are deleted as surplusage.

In subsection (d)(2) of this section, the former phrase “prohibit in any manner” is deleted as included in the reference to “does not affect”.

Former Art. 2B, § 6–201(h)(1)(i), which stated that former Art. 2B, § 6–201(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(h)(1)(ii), which defined “Board” as meaning the Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 16–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

16–903. CLASS BC BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS BC BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE A CLASS BC LICENSE TO AN APPLICANT THAT HAS:

(1) A HOTEL OR RESTAURANT THAT MEETS THE LICENSING REQUIREMENTS IN § 16–902(C) OF THIS SUBTITLE; OR

(2) A CLASS B HOTEL OR RESTAURANT (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE, IF THE APPLICANT SURRENDERS THE CLASS B LICENSE TO THE BOARD BEFORE BEING ISSUED THE CLASS BC LICENSE.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:

(I) BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A RESTAURANT OR HOTEL FOR ON-PREMISES CONSUMPTION;

(II) BEER 7 DAYS A WEEK AT A RESTAURANT OR HOTEL FOR OFF-PREMISES CONSUMPTION; AND

(III) BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A CATERED EVENT HELD OFF THE RESTAURANT OR HOTEL PREMISES FOR CONSUMPTION ON THE PREMISES OF THE EVENT.

(2) THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND ON THE DAYS AS SET OUT FOR A CLASS B LICENSE UNDER § 16–2005 OF THIS TITLE.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$250 GREATER THAN THE FEE FOR A CLASS B HOTEL OR RESTAURANT (ON– AND OFF–SALE) BEER, WINE, AND LIQUOR LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(h)(3)(i) through (vi).

In subsection (b)(1) of this section, the former reference to “conditions” is deleted as included in the reference to “requirements”.

In subsection (b)(2) of this section, the reference to “the Class BC license” is substituted for the former reference to “a new license under this section” for brevity.

In subsection (c)(2) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of the reference to “beer, wine, and liquor” in subsection (c)(1)(iii) of this section.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

16–904. CLASS BR BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS BR BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:

(1) SERVES AT LEAST ONE FULL–COURSE EVENING DINNER MEAL AT LEAST 5 DAYS A WEEK;

(2) IS ONLY OPEN DURING THE TIME MEALS ARE SERVED;

(3) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATING AT BARS AND COUNTERS, FOR AT LEAST 50 INDIVIDUALS ; AND

(4) IS OPERATED IN FACILITIES VALUED FOR STATE AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$50,000.

(C) SCOPE OF AUTHORIZATION.

(1) IN THIS SUBSECTION, “PREMISES” MEANS AN AREA:

(I) INSIDE THE RESTAURANT WHERE MEALS ARE PREPARED AND SERVED; OR

(II) OUTSIDE THE RESTAURANT THAT IS APPROVED IN WRITING BY THE BOARD.

(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A RESTAURANT FOR CONSUMPTION:

(I) WITH MEALS ON THE LICENSED PREMISES; OR

(II) ON THE LICENSED PREMISES IN ACCORDANCE WITH REGULATIONS THAT THE BOARD ADOPTS.

(D) VALUATION OF NEW OR IMPROVED BUILDING FOR ASSESSMENT AND TAXATION.

IF A LICENSE APPLICATION IS MADE FOR A NEW OR IMPROVED BUILDING, ON REQUEST OF THE BOARD THE SUPERVISOR OF ASSESSMENTS SHALL ASSESS THE BUILDING AND ADVISE THE BOARD OF THE VALUATION OF THE BUILDING FOR ASSESSMENT AND TAXATION.

(E) CATERED EVENTS PRIVILEGE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A CATERED EVENT HELD OFF THE LICENSED PREMISES FOR CONSUMPTION ON THE PREMISES OF THE CATERED EVENT IF THE LICENSE HOLDER:

(1) PROVIDES FOOD FOR CONSUMPTION AT THE CATERED EVENT;
AND

(2) PAYS AN ANNUAL FEE OF \$250 IN ADDITION TO THE ANNUAL LICENSE FEE.

(F) FEE.

THE ANNUAL LICENSE FEE IS \$2,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(h)(4) and (3)(iii)3, (iv), and (vii).

In subsection (b)(3) of this section, the reference to “individuals” is substituted for the former, broader references to “persons” because the provision refers only to human beings.

Also in subsection (b)(3) of this section, the former reference to seating “capacity” is deleted as surplusage.

In the introductory language of subsection (e) of this section, the reference to “licensed” premises is substituted for the former reference to “restaurant or hotel” premises for brevity.

Also in the introductory language of subsection (e) of this section, the reference to “sell beer, wine, and liquor 7 days a week at a catered event” is substituted for the former reference to “the privileges of the holder of a Class BC license specified in subparagraph (2)(iii)3 of this subsection” for clarity.

In subsection (e)(1) of this section, the reference to “provides food for consumption at the catered event” is substituted for the former phrase “subject to the restrictions set forth in subparagraph (iv) of this subsection” for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

16–905. CLASS C BEER, WINE, AND LIQUOR LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:

(I) HAS A DINING ROOM;

(II) HAS A REGULAR SEATING CAPACITY AT TABLES, EXCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 50 INDIVIDUALS; AND

(III) OPERATES IN A FACILITY WITH AN ASSESSED REAL PROPERTY VALUATION OF AT LEAST \$20,000.

(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.

(C) FEE.

THE ANNUAL LICENSE FEE:

(1) FOR A CLUB THAT IS A LOCAL CHAPTER OF A NATIONALLY ORGANIZED NONPROFIT FRATERNAL OR VETERANS' ORGANIZATION IS \$1,200; AND

(2) FOR ANY OTHER CLUB IS \$1,500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(h)(2) and the first sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1)(ii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this provision applies only to human beings.

In subsection (b)(2) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6–301(h)(1), which stated that former Art. 2B, § 6–301(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Club” § 1–101

“Wine” § 1–101

16-906. CLASS D BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.

A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(h).

Defined terms: "Beer" § 1-101

"County" § 16-101

"Wine" § 1-101

SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**16-1001. GOLF COURSE LICENSE.****(A) ESTABLISHED.**

THERE IS A CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A GOLF COURSE OR ORGANIZATION THAT:

(1) IS OPEN TO THE PUBLIC;

(2) IS OPERATED FOR PROFIT;

(3) OWNS REAL ESTATE IN THE COUNTY; AND

(4) HAS A GOLF COURSE WITH A MINIMUM OF NINE HOLES.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ONLY ON THE LAND AND IN THE BUILDINGS THAT ARE PART OF THE GOLF COURSE.

(2) A PATRON NEED NOT BE SEATED TO BE SERVED.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 16–2005 OF THIS TITLE.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$1,500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–501(b) through (g).

In subsection (b)(2) of this section, the former phrase “[s]ubject to the approval of the Board of License Commissioners” is deleted as implicit in the reference to “[t]he license” which is issued by the Board.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 16–2005 of this title” is substituted for the former reference to the “hours and days of sale are as specified in § 11–507 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8–501(a), which stated that the provisions of former Art. 2B, § 8–501 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“County” § 16–101

“Wine” § 1–101

SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.

16–1101. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

(B) EXCEPTION.

SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATION.

SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 16–1102 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101

“County” § 16–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

16–1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.

(A) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.

(B) APPLICATION FORM.

AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.

(C) HOURS OF SALE.

THE HOURS OF SALE FOR THE PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

(2) END AT MIDNIGHT.

(D) FEES.**THE ANNUAL PERMIT FEES ARE:**

(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND

(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-207(d) through (f).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

Former Art. 2B, § 8-103(a)(1)(ii), which stated that former Art. 2B, § 8-103, consisting of refillable container provisions, applied to Carroll County, and former Art. 2B, § 8-207(a), which stated that former Art. 2B, § 8-207 applied only in Carroll County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-207(b), which defined the term "Board" to mean the Board of License Commissioners, is deleted as redundant of the defined term "Board" in § 16-101 of this title.

Former Art. 2B, § 8-207(c), which stated that there is a refillable container permit, is deleted as unnecessary in light of § 4-1104 of this article.

Defined terms: "Board" § 16-101

"License" § 1-101

"Off-sale" § 1-101

"Person" § 1-101

SUBTITLE 12. CATERER'S LICENSES.**16-1201. CLASS H CATERER'S LICENSE.****(A) ESTABLISHED.**

THERE IS A CLASS H CATERER'S BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OR OPERATOR OF A CATERING ESTABLISHMENT THAT HAS:

(1) ONE OR MORE BANQUET ROOMS SUITABLE FOR PUBLIC GATHERINGS; AND

(2) FOOD PREPARATION FACILITIES ON THE PREMISES.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES A HOLDER TO:

(1) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE EVENT TO:

(I) PROVIDE FOOD AND ALCOHOLIC BEVERAGES; OR

(II) PROVIDE FOOD AND ALLOW PATRONS TO BRING PERSONAL ALCOHOLIC BEVERAGES ONTO THE PREMISES OF THE LICENSE HOLDER FOR CONSUMPTION AT A CATERED EVENT; AND

(2) SELL ALCOHOLIC BEVERAGES AT RETAIL AT THE PREMISES DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(D) FEE.

(1) THE ANNUAL LICENSE FEE IS EQUAL TO THE FEE FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE AS PROVIDED IN § 16-902 OF THIS TITLE.

(2) THE BOARD MAY NOT ISSUE THE LICENSE BEFORE PAYMENT OF THE FEE IS RECEIVED BY THE BOARD.

(E) EFFECT OF SECTION.

A HOTEL OR RESTAURANT THAT HOLDS A CLASS B RESTAURANT OR HOTEL BEER, WINE, AND LIQUOR LICENSE IS NOT REQUIRED TO OBTAIN A CLASS H CATERER'S LICENSE IF CATERING IS OR HAS BEEN A PART OF THE SERVICES PROVIDED BY THE HOLDER OF THE CLASS B LICENSE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a Class H license exists in Carroll County.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 6-703(c), (d), the first sentence of (e), and (b)(3).

Subsection (b) of this section is revised as a statement specifying the eligibility requirements of a Class H license, rather than as part of the former definition of a “caterer”, for clarity and to conform to the format used in licensing provisions throughout this article.

In the introductory language of subsection (b) of this section, the reference stating that the Board “may” issue a Class H license is substituted for the former reference stating that the Board “shall” issue the license to avoid the unintended implication that the Board is absolutely required to issue Class H licenses.

In subsection (c)(1)(ii) of this section, the reference to the “license holder” is substituted for the former reference to the “caterer” for clarity.

In subsection (c)(2) of this section, the former phrase “keep for sale” is deleted as included in the reference to “sell”.

Former Art. 2B, § 6–703(a), which stated that former Art. 2B, § 6–703 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–703(b)(2), which defined “Board”, is deleted as redundant of the definition of “Board” in § 16–101 of this title. Correspondingly, former Art. 2B, § 6–703(b)(1), which was the introductory language to the former definition subsection, is deleted as unnecessary.

The second sentence of former Art. 2B, § 6–703(e), which provided that any caterer holding a Class B beer, wine and liquor license shall automatically be issued a Class H caterer’s license without charge and surrender the Class B license on receipt of the Class H license, is deleted as obsolete.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 16–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

16–1202. CLASS HC CATERER’S LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS HC CATERER’S (ON-SALE AND LIMITED OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF A CLASS H CATERER'S BEER, WINE, AND LIQUOR LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES A HOLDER TO:

(1) SELL BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A CATERED EVENT FOR CONSUMPTION:

(I) ON THE LICENSED PREMISES; OR

(II) ON THE PREMISES WHERE THE CATERED EVENT IS HELD;

AND

(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B HOTEL OR RESTAURANT (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.

(D) FOOD REQUIREMENT.

THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.

(E) LIMIT ON SELF-SPONSORED EVENTS.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A CALENDAR YEAR THE LICENSE HOLDER MAY HOLD NOT MORE THAN EIGHT EVENTS THAT THE LICENSE HOLDER SPONSORS.

(2) AN EVENT THAT THE LICENSE HOLDER SPONSORS MAY BE HELD ONLY AT A LOCATION AND ON A DATE THAT THE BOARD APPROVES IN ACCORDANCE WITH REGULATIONS THAT THE BOARD ADOPTS.

(F) FEE.

THE ANNUAL LICENSE FEE IS \$250 GREATER THAN THE ANNUAL FEE FOR A CLASS B HOTEL OR RESTAURANT (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-703(f).

In subsection (c)(1)(ii) of this section, the former reference to catered events held “off the premises” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to a holder “exercis[ing] the privileges of the license only during the hours and on the days authorized” for a Class B license is substituted for the former reference to “hours and days for sale for a Class HC licensee [being] the same as” for a Class B license to conform to the terminology used in other similar provisions of this article.

In subsection (d) of this section, the former reference to providing food “in addition to alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (e)(1) of this section, the reference to holding “not more than” eight events is substituted for the former reference to holding “only” eight events to clarify that the license holder does not have to hold exactly eight events.

Also in subsection (e)(1) of this section, the reference to events “that the license holder sponsors” is substituted for the former reference to events “that are self-sponsored” for clarity.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Hotel” § 1–101

“Off-sale” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

SUBTITLE 13. TEMPORARY LICENSES.

PART I. IN GENERAL.

16–1301. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–1202 (“PER DIEM LICENSES”);

(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);

(3) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);

(4) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);

(5) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

(6) § 4–1208 (“HOURS AND DAYS OF SALE”); AND

(7) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).

(B) EXCEPTION.

SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 16–1311 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 16–101

16–1302. RESERVED.

16–1303. RESERVED.

PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

16–1304. BEER FESTIVAL LICENSE.

(A) ESTABLISHED.

THERE IS A BEER FESTIVAL LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 5 BREWERY LICENSE, CLASS 7 MICRO–BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER.

(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.

A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:

(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER FESTIVAL.

(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.

THE BOARD SHALL:

(1) CHOOSE 1 WEEKEND FOR THE BEER FESTIVAL THAT DOES NOT FALL ON THE DATES CHOSEN FOR THE ANNE ARUNDEL BEER AND WINE FESTIVAL, THE CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL IN WASHINGTON COUNTY, OR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;

(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND

(3) ENSURE THAT THE PRIMARY FOCUS OF THE BEER FESTIVAL IS THE PROMOTION OF MARYLAND BEER.

(F) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) FEE.

THE LICENSE FEE IS \$50 FOR A 1-DAY OR 2-DAY FESTIVAL.

(H) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-805(b) through (h).

Throughout this section, the former references to a "special" beer festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail license” is substituted for the former reference to a “current retail alcoholic beverages license issued in the State” for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsections (d)(2) and (e)(2) of this section, the former references to a festival or location “in Carroll County” are deleted as surplusage.

In subsection (e)(2) of this section, the reference to a “location that is not already licensed” is substituted for the former reference to a “nonlicensed premises” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “for the special beer festival” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the licensee from holding” another license for clarity.

Former Art. 2B, § 8–805(a), which defined the term “Board”, is deleted as redundant in light of the defined term “Board” in § 16–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“License” § 1–101

“License holder” § 1–101

16–1305. WINE FESTIVAL LICENSE.

(A) ESTABLISHED.

THERE IS A MARYLAND WINE FESTIVAL (MWF) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS PRODUCED AND PROCESSED IN THE STATE.

(D) TIME AND CONDITIONS OF DISPLAY AND SALE.

A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:

(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY.

(E) TIME AND LOCATION OF FESTIVAL.

THE COUNTY COMMISSIONERS:

(1) MAY CHOOSE 1 WEEKEND EACH YEAR DURING THE MONTHS OF JULY, AUGUST, OR SEPTEMBER FOR THE MARYLAND WINE FESTIVAL; AND

(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED.

(F) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) FEE.

THE LICENSE FEE IS \$200.

(H) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–306.

Throughout this section, the former references to a “special” festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision to the contrary,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (e)(2) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “which does not hold an alcoholic beverages license” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to the Commissioners choosing a location in the County “for this festival” is deleted as surplusage.

In subsection (f) of this section, the reference to the license holder who “may hold” another license is substituted for the former statement that “[t]he provisions of this section may not prohibit the licensee from holding” another license for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (c) of this section, which authorizes the holder of the license “to display and sell wine that is produced and processed in the State”, may violate the Commerce Clause of the U.S. Constitution, as it apparently excludes wine that is produced and processed outside the State.

Defined terms: “Board” § 16–101

“State” § 1–101

“Wine” § 1–101

16–1306. BEER TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A BEER TASTING (BT) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE (BW) LICENSE OR A BEER, WINE, AND LIQUOR (BWL) LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER FOR TASTING IF:

- (1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE BEER; AND**
- (2) THE CONSUMER IS NOT CHARGED FOR THE BEER.**

(D) LIMIT ON SERVINGS.

THE BOARD SHALL REGULATE:

- (1) THE QUANTITY OF BEER SERVED TO EACH INDIVIDUAL;**
- (2) THE NUMBER OF BOTTLES OR OTHER CONTAINERS OF BEER FROM WHICH THIS QUANTITY IS SERVED; AND**
- (3) THE SIZE OF THE BOTTLES OR OTHER CONTAINERS.**

(E) FEE.

IN ADDITION TO THE COST OF A BW LICENSE OR BWL LICENSE, THE ANNUAL LICENSE FEE IS \$100.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–901(c) through (g).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to "alcoholic beverages" is deleted in light of the reference to "beer" in accordance with the scope of this section.

In the introductory language of subsection (c) of this section, the reference to the license authorizing "the holder to allow" the consumption of beer is added for clarity and consistency with terminology used throughout this article.

Also in the introductory language of subsection (c) of this section, the former phrase “or sampling purposes only” is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to consideration not being “exacted” is deleted as unnecessary in light of the reference to the consumer not being “charged”.

In subsection (d)(1) of this section, the reference to each “individual” is substituted for the former, overbroad reference to each “person”.

In subsection (e) of this section, the former phrases “[f]or holders of a BWL license” and “[f]or holders of a BW license” are deleted as surplusage.

Former Art. 2B, § 8–901(a), which stated that former Art. 2B, § 8–901 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–901(b), which defined “Board” to mean the Carroll County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 16–101 of this title.

Former Art. 2B, § 8–901(h), which authorized the Board to adopt regulations providing additional requirements to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 16–206 of this title.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Consumer” § 1–101

“Wine” § 1–101

16–1307. WINE TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A WINE TASTING (WT) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE (BW) LICENSE OR BEER, WINE, AND LIQUOR (BWL) LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF WINE FOR TASTING IF:

- (1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE WINE; AND**
- (2) THE CONSUMER IS NOT CHARGED FOR THE WINE.**
- (D) LIMIT ON SERVINGS.**

THE BOARD SHALL REGULATE:

- (1) THE QUANTITY OF WINE SERVED TO EACH INDIVIDUAL; AND**
- (2) THE NUMBER OF BOTTLES OF WINE FROM WHICH THIS QUANTITY IS SERVED.**
- (E) FEE.**

IN ADDITION TO THE COST OF A BW LICENSE OR BWL LICENSE, THE ANNUAL LICENSE FEE IS \$100.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-405(a).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to "alcoholic beverages" is deleted in light of the reference to "wine" in accordance with the scope of this section.

In the introductory language of subsection (c) of this section, the reference to the license authorizing "the holder to allow" the consumption of wine is added for clarity and consistency with terminology used throughout this article.

Also in the introductory language of subsection (c) of this section, the former phrase "or sampling purposes only" is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to consideration not being "exacted" is deleted as unnecessary in light of the reference to the consumer not being "charged".

In subsection (d)(1) of this section, the reference to each "individual" is substituted for the former, overly broad reference to each "person" for clarity.

In subsection (e) of this section, the former phrases “[f]or holders of a BWL license” and “[f]or holders of a BW license” are deleted as surplusage.

Former Art. 2B, § 8–405(b), which authorized the Board to adopt rules or regulations providing additional requirements to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 16–206 of this title.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Consumer” § 1–101

“Wine” § 1–101

16–1308. LIQUOR TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A LIQUOR TASTING LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF LIQUOR FOR TASTING IF:

(1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE LIQUOR; AND

(2) THE CONSUMER IS NOT CHARGED FOR THE LIQUOR.

(D) LIMIT ON SERVINGS.

AN INDIVIDUAL MAY CONSUME LIQUOR AT A LIQUOR TASTING IN A QUANTITY OF NOT MORE THAN:

(1) ONE–HALF OUNCE FROM EACH OFFERING OF LIQUOR; AND

(2) FIVE OFFERINGS IN 1 DAY.

(E) DURATION OF LICENSE.

A LICENSE IS VALID FOR NOT MORE THAN 52 DAYS A YEAR AND MAY BE USED ON CONSECUTIVE OR NONCONSECUTIVE DAYS.

(F) FEE.

THE ANNUAL LICENSE FEE IS \$100.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–9A–01(c) through (h).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (c) of this section, the reference to the license authorizing “the holder to allow” the consumption of liquor is added for clarity and consistency with terminology used throughout this article.

Also in the introductory language of subsection (c) of this section, the former phrase “or sampling purposes only” is deleted as surplusage.

In the introductory language of subsection (d) of this section, the reference to an “individual” is substituted for the former, overbroad reference to a “person”.

In subsection (d)(1) of this section, the reference to “each offering” is substituted for “a single sample” for clarity. Similarly, in subsection (d)(2) of this section, the reference to “offerings” is substituted for the former reference to “samples”.

Former Art. 2B, § 8–9A–01(a), which stated that former Art. 2B, § 8–9A–01 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–9A–01(b), which defined “Board” to mean the Carroll County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 16–101 of this title.

Former Art. 2B, § 8–9A–01(i), which authorized the Board to adopt regulations providing additional requirements to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 16–206 of this title.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Consumer” § 1–101

“Wine” § 1–101

16-1309. RESERVED.

16-1310. RESERVED.

PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.

16-1311. FEES.

THE FEE FOR A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER AND WINE LICENSE, OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$50 PER DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(5) and (d)(6).

16-1312. MULTIPLE EVENT ENTERTAINMENT LICENSE.

(A) ESTABLISHED.

THE BOARD MAY ISSUE A CLASS C MULTIPLE EVENT BEER, WINE, AND LIQUOR LICENSE.

(B) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY A CLASS C BEER, WINE, AND LIQUOR LICENSE AT AN ENTERTAINMENT EVENT HELD BY A COUNTY FIRE DEPARTMENT OR AN ARTS CENTER ON WEST MAIN STREET IN WESTMINSTER.

(C) LICENSE FORM.

(1) THE LICENSE SHALL BE IN THE FORM THAT THE BOARD REQUIRES.

(2) THE APPLICANT SHALL SIGN THE LICENSE.

(D) LIMITATIONS.

(1) THE TOTAL NUMBER OF DAYS FOR WHICH A MULTIPLE EVENT LICENSE MAY BE USED MAY NOT EXCEED 40 IN A CALENDAR YEAR.

(2) A FIRE DEPARTMENT OR AN ARTS CENTER ON WEST MAIN STREET IN WESTMINSTER MAY NOT BE ISSUED A MULTIPLE EVENT LICENSE MORE THAN ONE TIME IN A CALENDAR YEAR.

(E) FEES.

THE ANNUAL FEE FOR THE LICENSE IS:

- (1) \$125, FOR NOT MORE THAN 10 EVENTS PER YEAR;**
- (2) \$250, FOR NOT MORE THAN 20 EVENTS PER YEAR;**
- (3) \$375, FOR NOT MORE THAN 30 EVENTS PER YEAR; AND**
- (4) \$500, FOR NOT MORE THAN 40 EVENTS PER YEAR.**

(F) PER DIEM LICENSE AVAILABLE.

A FIRE COMPANY OR AN ARTS CENTER ON WEST MAIN STREET IN WESTMINSTER THAT HOLDS A CLASS C MULTIPLE EVENT LICENSE IS NOT PRECLUDED FROM OBTAINING A CLASS C PER DIEM LICENSE UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(k)(1) through (3) and (5) through (7).

Throughout this section, references to a “multiple event” license are substituted for the former references to “this special license” or “special” license to clarify the nature of the license created under this section.

In subsection (b) of this section, the former reference to a “bona fide” entertainment event is deleted as surplusage.

Also in subsection (b) of this section, the reference to an entertainment “event” is added for clarity.

Also in subsection (b) of this section, the former reference to “conducted” is deleted as redundant of the reference to “held”.

In subsection (d)(1) of this section, the reference to the days “for which a multiple event license may be used” is substituted for the former reference to the days “authorized by this special license” for clarity.

In subsection (d)(2) of this section, the reference to a “calendar” year is added to conform to the terminology used in subsection (d)(1) of this section.

Former Art. 2B, § 7–101(k)(4), which required that the license fee be paid to the Board before the license is issued, is deleted because it simply restates the general practice of the Board.

Defined terms: “Board” § 16–101

“License” § 1–101

SUBTITLE 14. APPLICATIONS FOR LICENSES.

16–1401. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (7) § 4–110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (8) § 4–111 (“PAYMENT OF LICENSE FEES”);**
- (9) § 4–113 (“REFUND OF LICENSE FEES”); AND**
- (10) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 16-1403 AND 16-1404 OF THIS SUBTITLE;

(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 16-1405 OF THIS SUBTITLE; AND

(3) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 16-1406 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 16-101

16-1402. ADMINISTRATIVE FEE FOR NEW LICENSE.

THE BOARD MAY CHARGE AN ADMINISTRATIVE FEE NOT EXCEEDING \$500 FOR PROCESSING AN APPLICATION FOR A NEW LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(h)(2).

Former Art. 2B, § 10-104(h)(1), which stated that former Art. 2B, § 10-104(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 16-101
“License” § 1-101

16-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.

THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(ix)1A.

Defined terms: “Board” § 16-101
“Central Repository” § 1-101
“License” § 1-101

16-1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.

THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(i)2 and (ix).

The reference to “the application process” is substituted for the former reference to “its necessary use” for clarity.

Also, the reference to “record information” is substituted for the former reference to “records” to conform to the terminology used in CP, § 10–201.

Defined term: “Board” § 16–101

16–1405. LICENSE TIED TO RESIDENCY.

THE LICENSE REMAINS VALID ONLY FOR AS LONG AS THE RESIDENT APPLICANT REMAINS A RESIDENT OF THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(4)(iv).

The former phrase “in addition to the applicant’s residential statement required under this section” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement that an applicant reside in the County may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined term: “County” § 16–101

16–1406. DISPOSITION OF LICENSE FEES.

THE COUNTY COMMISSIONERS SHALL PAY 25% OF THE LICENSE FEES COLLECTED UNDER THIS TITLE TO THE MUNICIPALITY WHERE THE LICENSED PREMISES IS LOCATED.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(h).

The reference to the “license fees” is substituted for the former reference to the “sum” for clarity.

The reference to a “licensed premises” is substituted for the former reference to a “place of business” for clarity.

The reference to “municipality” is substituted for the former reference to an “incorporated town” to conform to the terminology used throughout this article.

Defined terms: “County” § 16–101

“License” § 1–101

SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.

16–1501. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**
- (2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”);**
- (3) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (4) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (5) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (6) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**
- (7) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (8) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (9) § 4–212 (“LICENSE NOT PROPERTY”);**
- (10) § 4–213 (“REPLACEMENT LICENSES”); AND**

(11) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO SUBTITLE 13, PART III OF THIS TITLE; AND

(2) § 4–209 (“HEARING”), SUBJECT TO § 16–1502 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 16–101

“License” § 1–101

“Local licensing board” § 1–101

16–1502. HEARING.

THE BOARD IS NOT REQUIRED TO HOLD A HEARING BEFORE ISSUING A SPECIAL OR TEMPORARY LICENSE IF THE APPLICATION IS ONLY FOR A SPECIAL OR TEMPORARY LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(f–1).

The reference to “not [being] required to hold a” hearing is substituted for the former reference to an “exempt[ion] from the requirement of a” hearing for clarity.

Former Art. 2B, § 10–202(a)(3)(iii), which authorized the Board to issue a license after the payment of a fee, is deleted as included in the general authority of the Board to issue a license under § 4–202 of this article and the general requirement to pay the license fee before issuance under § 4–111 of this article.

Defined terms: “Board” § 16–101

“License” § 1–101

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 9–102(b–1)(2)(ii), which stated that the bowling alley exception to the prohibition against multiple licenses did not apply to Carroll County, is deleted as unnecessary. This revision applies the general rule to Carroll County. The fact that Carroll County is not covered by the exception need not be stated.

SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.

PART I. LICENSING CONDITIONS.

16–1601. QUOTA FOR CLASS A LICENSES.

(A) IN GENERAL.

(1) (I) THE AGGREGATE NUMBER OF ALL CLASS A BEER LICENSES, BEER AND WINE LICENSES, AND BEER, WINE, AND LIQUOR LICENSES IN EACH ELECTION DISTRICT MAY NOT BE MORE THAN ONE FOR EVERY 5,000 INDIVIDUALS.

(II) THE BOARD SHALL DETERMINE THE POPULATION OF EACH ELECTION DISTRICT BY USING THE MOST RECENT PUBLISHED POPULATION REPORT OF THE COUNTY PLANNING COMMISSION.

(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW CLASS A LICENSE IF, IN THE ELECTION DISTRICT IN WHICH THE LICENSE WOULD BE LOCATED:

(I) THE RATIO ALREADY EXCEEDS ONE CLASS A LICENSE FOR EVERY 5,000 INDIVIDUALS; OR

(II) THE ISSUANCE OF THE LICENSE WOULD CAUSE THE RATIO TO EXCEED ONE CLASS A LICENSE FOR EVERY 5,000 INDIVIDUALS.

(B) WINERIES, RENEWALS, AND TRANSFERS NOT AFFECTED.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:

(1) A WINERY THAT APPLIES FOR A CLASS A WINE LICENSE UNDER § 16–1701 OF THIS TITLE; OR

(2) THE RENEWAL OR TRANSFER OF A LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–207(h).

In subsections (a)(1)(i) and (b)(1) of this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In the introductory language of subsection (a)(2) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In the introductory language of subsection (b) of this section, the reference to “[s]ubsection (a) of this section ... not apply[ing] to” the renewal or transfer of a license is substituted for the former phrase “[f]or the purposes of this section” the renewal or transfer of a license “issued by the Board of License Commissioners is not a new license” for clarity and brevity.

Former Art. 2B, § 9–207(a), which stated that former Art. 2B, § 9–207 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 16–101

“License” § 1–101

16–1602. RESERVED.

16–1603. RESERVED.

PART II. MULTIPLE LICENSING PLANS.

16–1604. RESERVED.

SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.

16–1701. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND

(3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 16-1702 OF THIS SUBTITLE; AND

(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 16-1703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 16-101
“License” § 1-101

16-1702. PAYMENT OF TAXES.

THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE BOARD IS SATISFIED THAT ALL STATE OR LOCAL REAL OR PERSONAL PROPERTY TAXES OWED BY THE TRANSFEROR ARE PAID.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(h)(4).

The former reference to the transfer “or assignment ... or both” is deleted as surplusage. Similarly, the former reference to the transferor “or assignor ... or both” is deleted.

Former Art. 2B, § 10-503(h)(1), which stated that former Art. 2B, § 10-503(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 16-101
“License” § 1-101
“State” § 1-101

16-1703. FEE.

(A) IN GENERAL.

THE FEE FOR A TRANSFER OF A LICENSE IS \$350, IN ADDITION TO THE COSTS OF PUBLICATION AND NOTICE.

(B) NONREFUNDABLE FEE.

THE FEE IS NOT REFUNDABLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(h)(2).

Former Art. 2B, § 10–503(h)(3), which provided for a fee for the assignment of a license to another person, is deleted as unnecessary in light of the fee for a transfer of a license.

Defined term: “License” § 1–101

SUBTITLE 18. RENEWAL OF LICENSES.

16–1801. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 16–101
“License” § 1–101

16–1802. LATE FILING.

THE BOARD MAY IMPOSE A LATE FEE OF \$50 FOR EACH DAY THE APPLICATION IS LATE, UP TO A MAXIMUM AMOUNT OF \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(q).

The reference to each day “the application is late” is substituted for the former reference to each day “a licensee fails to renew the license after the application is due” for clarity, brevity, and consistency within this revision.

The reference to a limit on the “maximum amount” of fees that may be assessed is substituted for the former reference to “[t]he total amount of the

fees” that may be assessed for clarity, brevity, and consistency within this revision.

The former redundant reference to a late fee of \$50 “per day” is deleted as included in the reference to a late fee of \$50 “for each day”.

Defined term: “Board” § 16–101

16–1803. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.

THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ix)2.

Defined term: “License” § 1–101

SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.

16–1901. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4–505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4–508 (“DISPLAY OF LICENSE”).**

(B) VARIATION.

SECTION 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 16–1902 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 16–101

“License” § 1–101

“License holder” § 1–101

16–1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.

(A) INDIVIDUALS AT LEAST 15 YEARS OLD.

A HOLDER OF A CLASS B LICENSE MAY EMPLOY AN INDIVIDUAL AT LEAST 15 YEARS OLD TO PERFORM A TASK OTHER THAN ONE INVOLVING SELLING, SERVING, OR DELIVERING ALCOHOLIC BEVERAGES.

(B) INDIVIDUALS AT LEAST 18 YEARS OLD.

(1) AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SELL, SERVE, OR DELIVER ALCOHOLIC BEVERAGES IN A RESTAURANT.

(2) A HOLDER OF A CLASS A LICENSE MAY EMPLOY AN INDIVIDUAL AT LEAST 18 YEARS OLD TO STOCK ALCOHOLIC BEVERAGES AND TO OPERATE A LOTTERY TICKET TERMINAL.

(C) INDIVIDUALS UNDER THE AGE OF 21 YEARS.

AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS A BARTENDER OR IN ANY SOLELY BAR–RELATED CAPACITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–302(b)(4)(ii) through (v).

Throughout this section, the references to an “individual” are substituted for the former references to a “person” because this section applies only to human beings.

In subsection (c) of this section, the former reference to a “barmaid” is deleted as included in the reference to a “bartender”.

Former Art. 2B, § 12–302(b)(4)(i), which stated that former Art. 2B, § 12–302(b)(4) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the phrase “bar–related capacity” is unclear.

Defined terms: “Alcoholic beverage” § 1–101
“Restaurant” § 1–101

16–1903. DRIVE–THROUGH SALES.

A LICENSE HOLDER MAY NOT SELL, OFFER TO SELL, OR DISPENSE ALCOHOLIC BEVERAGES FROM A WALK–UP OR DRIVE–THROUGH WINDOW.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–207(b).

The former phrase “what is commonly termed” is deleted as surplusage.

Former Art. 2B, § 12–207(a), which stated that former Art. 2B, § 12–207 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101
“License holder” § 1–101

SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.

16–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.

(A) IN GENERAL.

(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.

(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Carroll County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of § 3–905 of this article.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

(A) CLASS A BEER LICENSE.

A HOLDER OF A CLASS A BEER LICENSE MAY SELL OR PROVIDE BEER ON MONDAY THROUGH SUNDAY FROM 8 A.M. TO 11 P.M.

(B) CLASS B BEER LICENSE.

A HOLDER OF A CLASS B BEER LICENSE MAY SELL OR PROVIDE BEER ON MONDAY THROUGH SATURDAY, FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

(C) CLASS C BEER LICENSE.

A HOLDER OF A CLASS C BEER LICENSE MAY SELL OR PROVIDE BEER ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER LICENSE.

A HOLDER OF A CLASS D BEER LICENSE MAY SELL OR PROVIDE BEER ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-403(a)(6) and 11-507(b)(3)(i) and the introductory language of § 11-507(b)(2)(i).

In subsections (a) and (d) of this section, the references to "sell or provide beer" are substituted for the former references to "sell, offer for sale, or dispense" the beverages defined in this article for clarity.

In subsections (b), (c), and (d) of this section, the former references to authorization of license holders to sell or provide beer between 8 a.m. and 1 a.m. the following day "and no other hours" are deleted as surplusage.

Former Art. 2B, § 11-507(a), which stated that former Art. 2B, § 11-507 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11-507(b)(1), which stated that the "following restrictions, limitations, and regulations apply", is deleted as surplusage.

Former Art. 2B, § 11-507(b)(5), which stated that the hours established for the sale of alcoholic beverages are to be in accordance with Eastern Standard Time and daylight time, when those times are effective, is deleted as surplusage.

A HOLDER OF A CLASS A WINE LICENSE MAY SELL WINE ON SUNDAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–507(b)(4).

Defined term: “Wine” § 1–101

16–2004. BEER AND WINE LICENSES.**(A) CLASS A BEER AND WINE LICENSE.**

A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL OR PROVIDE BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 8 A.M. TO 11 P.M.

(B) CLASS B BEER AND WINE LICENSE.

(1) A HOLDER OF A 6–DAY OR 7–DAY CLASS B BEER AND WINE LICENSE MAY SELL OR PROVIDE BEER AND WINE FOR ON–PREMISES CONSUMPTION:

(I) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY; AND

(II) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.

(2) A HOLDER OF A 7–DAY CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR OFF–PREMISES CONSUMPTION:

(I) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 11 P.M. THE FOLLOWING DAY; AND

(II) ON SUNDAY FROM 11 A.M. TO 11 P.M.

(C) CLASS C BEER AND WINE LICENSE.

A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL OR PROVIDE BEER AND WINE ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER AND WINE LICENSE.

(1) A HOLDER OF A 6–DAY OR 7–DAY CLASS D BEER AND WINE LICENSE MAY SELL OR PROVIDE BEER AND WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO MIDNIGHT.

(2) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE MAY SELL OR PROVIDE BEER AND WINE ON SUNDAY FROM 11 A.M. TO 11 P.M.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-401(h)(2), 11-302(d)(1), 11-403(a)(6), and 11-507(b)(2)(i)4 and (3).

In subsection (a) of this section, the reference to "sell or provide beer and wine" is substituted for the former reference to "sell, offer for sale, or dispense the beverages defined in this article" for clarity.

Former Art. 2B, § 11-302(k), which stated that the privileges conferred by a Class A beer and light wine license may be exercised from 11 a.m. to 6 p.m. on Sundays, is deleted as obsolete.

Former Art. 2B, § 11-507(b)(2)(i)1, which stated that when a holder of an on-sale license is open for business on Saturday at midnight the holder may remain open until 1 a.m. the Sunday immediately following, is deleted as redundant of subsection (b)(1)(i) of this section.

16-2005. BEER, WINE, AND LIQUOR LICENSES.

(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 8 A.M. TO 11 P.M.

(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR:

(1) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY; AND

(2) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.

(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR:

(1) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY; AND

(2) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

RESERVED.

(E) CLASS H BEER, WINE, AND LIQUOR LICENSE.

A HOLDER OF A CLASS H BEER, WINE, AND LIQUOR LICENSE MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR:

(1) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY; AND

(2) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–403(a)(6) and 11–507(b)(2)(i)2 and 3 and (3)(i).

Throughout this section, references to “sell or provide” certain alcoholic beverages are substituted for the former references to “sell, offer for sale, or dispense” alcoholic beverages for clarity.

Former Art. 2B, § 11–303(a)(2)(iv), which stated that the hours of sale on Sunday for a Class A beer, wine, and liquor license are from 11 a.m. to 6 p.m., is deleted as obsolete.

16–2006. HOURS ON JANUARY 1.

THIS ARTICLE DOES NOT RESTRICT ON JANUARY 1:

(1) THE SALE OF ALCOHOLIC BEVERAGES BY A HOLDER OF A CLASS B, CLASS C, CLASS H, OR PER DIEM LICENSE FROM MIDNIGHT TO 3 A.M.; OR

(2) A PERSON FROM CONSUMING ALCOHOLIC BEVERAGES FROM MIDNIGHT TO 3 A.M. ON THE PREMISES OF A HOLDER OF A CLASS B, CLASS C, CLASS H, OR PER DIEM LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(h)(2).

The references to a “per diem” license are substituted for the former references to “special” licenses for clarity.

Former Art. 2B, § 11–402(h)(1), which stated that former Art. 2B, § 11–402(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

16–2007. CONSUMPTION AFTER CLOSING TIME ALLOWED.

A LICENSE HOLDER MAY NOT ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE PREMISES LATER THAN 15 MINUTES AFTER THE CLOSING TIME.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–507(b)(2)(ii).

The former reference to a closing time “indicated in this subsection” is deleted as unnecessary because the closing times for all licenses are indicated in this section.

Defined terms: “Alcoholic beverage” § 1–101
“License holder” § 1–101

SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.

16–2101. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10–405(a)(5), which stated that former Art. 2B, § 10–405, which related to nudity and sexual displays, applied in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 16–101
“License” § 1–101

SUBTITLE 22. EXPIRATION OF LICENSES.

16–2201. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 16–101
“License” § 1–101

SUBTITLE 23. DEATH OF LICENSE HOLDER.

16–2301. APPLICATION OF GENERAL PROVISIONS.

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);

(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);

(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND

(4) § 4–806 (“REFUND”).

(B) VARIATION.

SECTION 4–803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 16–2302 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 16–101
“License” § 1–101
“License holder” § 1–101

16–2302. APPLICATION FOR CONTINUATION; ADDITIONAL CONTINUATION EXTENSION.

(A) DEADLINE FOR APPLICATION.

AN APPLICATION FOR THE CONTINUATION OF THE BUSINESS OF A DECEASED LICENSE HOLDER SHALL BE MADE WITHIN 60 DAYS AFTER THE DEATH OF THE LICENSE HOLDER.

(B) EXTENSION BECAUSE OF LITIGATION.

IF THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE ESTATE SHOWS TO THE SATISFACTION OF THE BOARD THAT THE ESTATE CANNOT BE SETTLED WITHIN THE 18-MONTH EXTENSION PERIOD BECAUSE OF LITIGATION, THE BOARD MAY GRANT TO THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR ADDITIONAL TIME FOR THE CONTINUATION OF THE BUSINESS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(c)(2) and (3).

In subsection (b) of this section, the references to “personal representative” and “special administrator” are substituted for the former references to “executor” and “administrator” to conform to terminology used in the Estates and Trusts Article.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any provision to the contrary in this section” is deleted as surplusage.

Former Art. 2B, § 10–506(c)(1), which stated that former Art. 2B, § 10–506(c) applied only to Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 16–101
“License holder” § 1–101

SUBTITLE 24. JUDICIAL REVIEW.

16–2401. APPLICATION OF GENERAL PROVISIONS.

TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 16–101

16–2402. COSTS.**(A) CLERK TO COLLECT.**

BEFORE DOCKETING AN ACTION FOR JUDICIAL REVIEW UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY SHALL:

(1) COLLECT ALL COURT COSTS FROM THE PETITIONER; AND

(2) RECEIVE A STATEMENT FROM THE CLERK OF THE BOARD THAT THE COSTS FOR GETTING RECORDS AND TRANSCRIPTS OF PROCEEDINGS OF THE HEARING BEFORE THE BOARD HAVE BEEN PAID.

(B) NO ASSESSMENT AGAINST BOARD.

THE COSTS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE ASSESSED AGAINST THE BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(d), as it related to Carroll County.

In subsection (a) of this section, the references to “an action for judicial review” and “the petitioner” are substituted for the former incorrect references to “an appeal” and “the person or persons so appealing” to reflect that this section concerns the judicial review of an administration agency – a board of license commissioners – and not a court.

Defined terms: “Board” § 16–101
“County” § 16–101

16–2403. COURT MAY REMAND.

IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(ii)4.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 16–101
“County” § 16–101

Editor's Note:

Chapter 41, the Alcoholic Beverages Article, continues in the next volume.

