

Article 2B - Alcoholic Beverages
Section 53E and 74(m)
Annotated Code of Maryland
(1981 Replacement Volume and 1984 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 2B - Alcoholic Beverages

53E.

IN FREDERICK COUNTY, THE LICENSE COMMISSIONER MAY NOT ISSUE OR TRANSFER AN OFF-SALE ALCOHOLIC BEVERAGES LICENSE OF ANY CLASS FOR THE USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE THROUGH PURCHASE FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF PREMISE CONSUMPTION.

74.

(a) (1) Any holder of a license under the provisions of this article, including a receiver or trustee for the benefit of creditors, may be permitted to transfer his place of business to some other location or sell or assign the license and transfer his stock in trade to another person, but only if application for the transfer or sale has been made; all retail sales, amusement, admission, and withholding taxes have been paid to the Comptroller of the Treasury of the State; a bulk transfer permit is obtained if the stock of alcoholic beverages is to be transferred whether by sale, gift, inheritance, assignment, or otherwise, and irrespective of whether or not consideration is paid; and the new location or assignee is approved as in the case of an original application for such a license. Such transfer or assignment when made shall be endorsed upon the license by the official issuing the same, upon payment of a fee of \$1 in addition to the costs of publication and notice, which shall be paid at the time of the filing of the application for the transfer or sale. This section shall permit the transfer of location and the assignment of license in the same application.

(M) IN FREDERICK COUNTY, THE LICENSE COMMISSIONER MAY NOT TRANSFER AN OFF-SALE ALCOHOLIC BEVERAGES LICENSE OF ANY CLASS FOR THE USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE THROUGH PURCHASE FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF PREMISE CONSUMPTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act do not affect a transfer of holders for the same premises or the renewal of an existing off-sale license used for a drive through purchase facility in Frederick County. However,