

VETOES

(1987 Replacement Volume and 1988 Supplement)

BY repealing and reenacting, with amendments,

Article 2B - Alcoholic Beverages  
Section 118(c)  
Annotated Code of Maryland  
(1987 Replacement Volume and 1988 Supplement)

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

Article 2B - Alcoholic Beverages

118.

(a) (1) A licensee under the provisions of this article, or any of his employees, may not sell or furnish any alcoholic beverages at any time to a person under 21 years of age, either for his own use or for the use of any other person, or to any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

(2) Any licensee or any of his employees who is charged with a violation of this subsection shall receive a summons for his appearance in court on a certain day to answer the charges placed against him. The person charged may not be required to post bail bond pending trial in any court of this State.

(3) A licensee or employee of the licensee violating any of the provisions of this subsection is guilty of a misdemeanor and upon conviction, suffers the penalties provided by § 200 of this article. However, a licensee or employee of the licensee charged with selling or furnishing any alcoholic beverages to a person under 21 years of age may not be found guilty of a violation of this subsection, if the person establishes to the satisfaction of the jury or the court sitting as a jury, that he used due caution to establish that the person under 21 years of age was not, in fact, a person under 21 years of age if a nonresident of the State. If the person is a resident of the State of Maryland, the licensee or employee of the licensee may accept, as proof of a person's age, the display of the person's driver's license or identification card as provided for in the Maryland Vehicle Law. If any licensee or employee of the licensee shall be found not guilty, or placed on probation without a verdict, of any alleged violation of this subsection, this finding operates as a complete bar to any proceeding by any alcoholic beverage law enforcement or licensing authorities against the licensee on account of the alleged violation.