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**By: Washington County Delegation**

Introduced and read first time: February 22, 1996

Assigned to: Ways and Means

Reassigned: Judiciary, February 23, 1996

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1996

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Washington County Gaming Commission - Tip Jar Regulation**

3 FOR the purpose of modifying provisions governing the regulation of tipjars in  
4 Washington County; authorizing the Board of County Commissioners to establish a  
5 temporary tip jar license, to require certain information and actions relating to  
6 criminal background checks, and to require certain additional reports; modifying  
7 requirements concerning membership of and qualifications and terms of members  
8 of the Washington County Gaming Commission; requiring the Board to waive  
9 certain fees; modifying requirements concerning tip jar licensees and ~~wholesalers~~  
10 wholesaler licensees; requiring certain organizations and associations that have tip  
11 jar licenses to contribute certain proceeds in a certain manner; prohibiting the  
12 Board from reducing certain appropriations below a certain level; altering certain  
13 reporting requirements; prohibiting a person from operating a tip jar on property  
14 owned by the Washington County School Board; increasing certain criminal  
15 penalties; providing for certain other criminal penalties; requiring certain  
16 recommendations to the Board of License Commissioners of Washington County  
17 relating to suspension of liquor licenses; repealing a provision authorizing certain  
18 organizations to make contributions without contributing to the Washington County  
19 Gaming Fund for a certain duration; altering a certain termination provision; and  
20 generally relating to tip jar operations and the regulation of tip jars in Washington  
21 County.

22 BY repealing and reenacting, with amendments,  
23 Article 27 - Crimes and Punishments  
24 Section 255C  
25 Annotated Code of Maryland  
26 (1992 Replacement Volume and 1995 Supplement)

2

1 BY repealing  
2 Chapter 636 of the Acts of the General Assembly of 1995  
3 Section 2

4 BY repealing and reenacting, with amendments,  
5 Chapter 636 of the Acts of the General Assembly of 1995  
6 Section 4

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

9 **Article 27 - Crimes and Punishments**

10 255C.

11 (a) (1) In this section the following words have the meanings indicated.

12 (2) "Board" means the Board of County Commissioners of Washington  
13 County.

14 (3) "Commission" means the Washington County Gaming Commission.

15 (4) "County" means Washington County.

16 (5) "County agency" means an agency designated by the Board to  
17 administer this section.

18 (6) "Fund" means the Washington County Gaming Fund.

19 (7) (i) "Gaming sticker" means a sticker issued by the county agency that  
20 is required to be affixed to a tip jar packet before the tip jar packet is sold.

21 (ii) A gaming sticker may be in the form of a bar code or other form  
22 that the Board designates.

23 (8) "Tip jar" means a gaming device from which a number or series of  
24 numbers or other symbol is obtained for consideration by selection of a sealed piece of  
25 paper that may entitle the purchaser of the number or numbers or other symbol to a  
26 payoff in cash or other manner immediately upon receipt or as a result of a subsequent  
27 announcement of a winning number or numbers or other symbol or any other device  
28 commonly recognized as a tip jar.

29 (9) "Tip jar packet" means a package containing tips to be sold by way of a  
30 tip jar sufficient for a single tip jar game.

31 (10) "Tip jar license" means a license issued by the county agency to operate  
32 a tip jar in the County.

33 (11) "Wholesaler's license" means a license issued by the county agency to  
34 sell OR ~~DISTRIBUTE~~ WHOLESALE FOR PROFIT tip jar packets in the County.

35 (b) There is a Washington County Gaming Commission.

3

1 (c) (1) The Commission consists of [five] SEVEN members appointed as  
2 follows:

3 (i) Three members appointed by the Board;

4 (ii) One member appointed by the Chairman of the Washington  
5 County House of Delegates Delegation, with the concurrence of the County's House  
6 Delegation; [and]

7 (iii) One member appointed by the State Senators whose districts are  
8 within or include part of Washington County;

9 (IV) ONE MEMBER FROM WASHINGTON COUNTY TO REPRESENT  
10 RESTAURANTS, TAVERNS, AND THE ALCOHOLIC BEVERAGES INDUSTRY IN THE  
11 COUNTY, APPOINTED BY THE WASHINGTON COUNTY HOUSE AND SENATE  
12 DELEGATIONS; AND

13 (V) ONE MEMBER FROM THE WASHINGTON COUNTY CLUBS  
14 ASSOCIATION, APPOINTED BY THE WASHINGTON COUNTY HOUSE AND SENATE  
15 DELEGATIONS.

16 (2) A member of the Commission APPOINTED UNDER PARAGRAPH (1)(I),  
17 (II), OR (III) OF THIS SUBSECTION may not:

18 (i) Hold a tip jar license or a wholesaler's license; [or]

19 (ii) Be employed by a person who holds a tip jar license or a  
20 wholesaler's license;

21 (III) HOLD ANY OWNERSHIP INTEREST IN OR RECEIVE ANY DIRECT  
22 BENEFIT FROM THE HOLDER OF A TIP JAR LICENSE OR A WHOLESALER'S LICENSE;  
23 OR

24 (IV) SERVE ON ANY BOARD OF DIRECTORS OR AS AN OFFICER OF  
25 ANY ORGANIZATION THAT IS QUALIFIED UNDER § 501(C)(3) OF THE INTERNAL  
26 REVENUE CODE.

27 (3) A member of the Commission shall be a resident of Washington County.

28 (4) The term of a member of the Commission is 2 years and begins on July  
29 1.

30 (5) A member of the Commission may not be reappointed within 5 years  
31 after completion of a full 2-year term.

32 (6) The terms of members of the Commission are staggered as required by  
33 the terms in effect for members of the Commission on July 1, 1995.

34 (7) At the end of a term, a member continues to serve until a successor is  
35 appointed.

36 (8) A member who is appointed after a term has begun serves only for the  
37 rest of the term and until a successor is appointed.

4

1 (9) A member of the commission:

2 (i) May not receive compensation; but

3 (ii) May be entitled to reimbursement for expenses, in accordance with  
4 a policy of the Board.

5 (d) (1) The Commission shall annually choose a chairman from among its  
6 members.

7 (2) The Board shall assign appropriate professional staff to the Commission  
8 for the periodic meetings of the Commission.

9 (e) (1) The Board shall adopt regulations to carry out this section.

10 (2) The [Commission] COUNTY AGENCY may recommend to the Board  
11 regulations or guidelines concerning the administration of this section.

12 (3) BY REGULATION, THE BOARD:

13 (I) MAY REQUIRE AN APPLICANT FOR A TIP JAR LICENSE OR A  
14 WHOLESALER'S LICENSE OR ANY INDIVIDUAL INVOLVED IN THE OPERATION OF A  
15 TIP JAR TO BE FINGERPRINTED; AND

16 (II) MAY DIRECT THE COUNTY AGENCY TO OBTAIN A CRIMINAL  
17 RECORDS CHECK FROM THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL  
18 REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
19 SERVICES.

20 (f) A person may operate a tip jar in the County if:

21 (1) The person is:

22 (i) A volunteer fire company;

23 (ii) A volunteer rescue company;

24 (iii) A religious, fraternal, civic, veterans, or bona fide charitable  
25 organization;

26 (iv) A sportsmen's association that is exempt from taxation under §  
27 501(c) of the Internal Revenue Code and approved by the Board;

28 (v) A restaurant for which an alcoholic beverages license has been  
29 issued;

30 (vi) A tavern for which an alcoholic beverages license has been issued;  
31 or

32 (vii) A holder of a Class A beer, wine and liquor license;

33 (2) The person:

34 (i) Unless allowed under subsection [(o)] (P) of this section, does not  
35 hold a wholesaler's license;

5

1 (ii) Does not owe taxes to THE STATE, the County, or a municipal  
2 corporation in the County; and

3 (iii) Has not been convicted of a ~~felony or misdemeanor~~ involving any  
4 gambling or gaming law of the State, except a misdemeanor in regard to the operation  
5 of a tip jar before October 1, 1995] EXCEPT FOR A TRAFFIC VIOLATION OR A FELONY;  
6 and

7 (3) The person holds a tip jar license issued by the county agency.

8 (g) (1) Subject to paragraph (2) of this subsection, the county agency may issue  
9 a tip jar license to each qualified applicant for a tip jar license that pays an annual fee of  
10 \$250.

11 (2) The [Commission] BOARD may waive or reduce the annual fee for an  
12 organization that qualifies for a tip jar license under subsection (f)(1)(i), (ii), (iii), or (iv)  
13 of this section.

14 (3) License fees collected under this subsection shall be credited to the  
15 general fund of the County.

16 (h) A holder of a tip jar license may:

17 (1) Only operate a tip jar if the operation is on the premises of the holder  
18 during normal business hours unless otherwise authorized by the Board; and

19 (2) Award prizes in cash or merchandise.

20 (i) (1) A tip jar license expires on the first July 1 that comes after the effective  
21 date of the tip jar license.

22 (2) A tip jar license is not transferable.

23 (j) (1) The county agency shall send an agent to inspect periodically the  
24 premises of holders of tip jar licenses to ensure compliance with this section.

25 (i) (i) The Board may audit any records relating to tip jars of a holder of  
26 a tip jar license or wholesaler's license.

27 (ii) A holder of a tip jar license or wholesaler's license shall make  
28 available to an auditor designated by the Board any records required for an audit in  
29 accordance with regulations of the Board.

30 (iii) The Board shall make audit reports completed under this  
31 paragraph available for public inspection.

32 (3) A holder of a tip jar license or wholesaler's license shall retain all  
33 records required under regulations of the Board for at least ~~5~~ 3 years.

34 (k) (1) THE BOARD MAY ESTABLISH BY REGULATION A TEMPORARY TIP  
35 JAR LICENSE FOR ISSUANCE TO AN AMATEUR ATHLETIC ORGANIZATION, BOOSTER  
36 CLUB, EDUCATIONAL ORGANIZATION, HOSPITAL, POLITICAL ORGANIZATION,  
37 SOCIAL CLUB, OR SIMILAR ORGANIZATION.

1 ~~(2) A POLITICAL COMMITTEE FOR A CANDIDATE FOR PUBLIC OFFICE~~  
2 ~~MAY NOT BE GRANTED A TEMPORARY TIP JAR LICENSE. A NONPROFIT~~  
3 ~~ORGANIZATION THAT DESIRES TO RAISE MONEY FOR AN EXCLUSIVELY~~  
4 ~~CHARITABLE, ATHLETIC, OR EDUCATIONAL PURPOSE.~~

5 (2) TO QUALIFY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE  
6 CHARITABLE, ATHLETIC, OR EDUCATIONAL PURPOSE:

7 (I) SHALL MEET THE REQUIREMENTS FOR A CHARITABLE  
8 CONTRIBUTION UNDER § 170(C) OF THE INTERNAL REVENUE CODE; AND

9 (II) MAY NOT BE A PURPOSE TO BENEFIT:

10 1. AN AGENCY OF THE STATE GOVERNMENT OR OF A  
11 POLITICAL SUBDIVISION OF THE STATE EXCEPT:

12 A. AN AMBULANCE, FIRE FIGHTING, OR RESCUE SQUAD; OR

13 B. A PRIMARY SCHOOL, SECONDARY SCHOOL, OR COLLEGE;

14 2. A LAW ENFORCEMENT AGENCY OR LAW ENFORCEMENT  
15 FRATERNAL ORGANIZATION; OR

16 3. A POLITICAL CLUB, COMMITTEE, OR PARTY.

17 (3) AN INDIVIDUAL INVOLVED IN THE OPERATION OF A TIP JAR UNDER  
18 THE TEMPORARY LICENSE MAY NOT PERSONALLY BENEFIT FINANCIALLY FROM  
19 THE OPERATION OF THE TIP JAR AND THE ORGANIZATION IS SUBJECT TO AUDIT BY  
20 THE COMMISSION.

21 (4) THE BOARD SHALL PRESCRIBE BY REGULATION:

22 (I) THE FEE FOR A TEMPORARY TIP JAR LICENSE;

23 (II) THE PERIOD FOR WHICH THE LICENSE SHALL REMAIN IN  
24 EFFECT;

25 (III) THE PROVISIONS OF THIS SECTION APPLICABLE TO THE  
26 ISSUANCE OF A TEMPORARY TIP JAR LICENSE AND TO THE OPERATION OF A TIP JAR  
27 UNDER A TEMPORARY LICENSE; AND

28 (IV) ANY ADDITIONAL REQUIREMENTS THAT THE BOARD  
29 CONSIDERS APPROPRIATE CONCERNING THE OPERATION OF A TIP JAR UNDER A  
30 TEMPORARY TIP JAR LICENSE.

31 (5) AN ORGANIZATION THAT HAS OPERATED A TIP JAR UNDER A  
32 TEMPORARY TIP JAR LICENSE AND THEN DISBANDS SHALL TRANSFER ANY  
33 REMAINING PROCEEDS FROM THE OPERATION OF A TIP JAR TO THE FUND.

34 (L) A person may sell OR ~~DISTRIBUTE~~ WHOLESALE FOR PROFIT a tip jar packet  
35 in the County if the person:

36 (1) ~~Has~~ (I) OTHER THAN A VOLUNTEER FIRE COMPANY OR  
37 VOLUNTEER RESCUE COMPANY, HAS had an established place of business in the

7  
1 County for at least [3 years] ~~1 YEAR~~ 3 YEARS, AS EVIDENCED BY THE FILING OF A  
2 PERSONAL PROPERTY TAX RETURN; OR

3 (II) IN THE CASE OF A VOLUNTEER FIRE COMPANY OR  
4 VOLUNTEER RESCUE COMPANY, HAS BEEN ESTABLISHED IN THE COUNTY FOR AT  
5 LEAST 1 YEAR;

6 (2) Has not been convicted of a ~~felony or~~ misdemeanor, involving any  
7 gambling or gaming law of the State, [except a misdemeanor in regard to the operation of  
8 a tip jar before October 1, 1995] ~~EXCEPT FOR A TRAFFIC VIOLATION OR A FELONY;~~

9 (3) Is of good moral character;

10 (4) Unless allowed under subsection [(o)] (P) of this section, does not hold  
11 a tip jar license;

12 (5) (4) Does not owe taxes to THE STATE, the County, or a municipal  
13 corporation in the County; and

14 (6) (5) Has a wholesaler's license issued by the county agency.

15 [(1)] (M) (1) Except as provided in paragraph (2) of this subsection, the county  
16 agency may issue a wholesaler's license to each qualified applicant that pays the county  
17 agency a fee of \$500.

18 (2) The [Commission may waive or reduce] BOARD SHALL WAIVE the  
19 annual fee for a volunteer fire company or a volunteer rescue company.

20 (3) License fees collected under this subsection shall be credited to the  
21 general fund of the County.

22 [(m)] (N) (1) A wholesaler's license expires on the first July 1 that comes after  
23 the effective date of the wholesaler's license.

24 (2) A wholesaler's license is not transferable.

25 [(n)] (O) (1) Before selling a tip jar packet, a holder of a wholesaler's license  
26 shall obtain a gaming sticker from the county agency and affix the gaming sticker to the  
27 tip jar packet as the Board requires.

28 (2) A holder of a wholesaler's license may not sell a tip jar packet to any  
29 person who does not hold a tip jar license.

30 [(o)] (P) A volunteer fire company or a volunteer rescue company may hold both  
31 a tip jar license and a wholesaler's license.

32 [(p)] (Q) (1) There is a Washington County Gaming Fund established by the  
33 Commission.

34 (2) In this subsection, "gross profits" means the total proceeds from the  
35 operation of a tip jar less the amount of prizes or money winnings distributed.

36 (3) (i) Subject to [subparagraph (ii)] SUBPARAGRAPHS (II) AND (III) of  
37 this paragraph, a person that qualifies for a tip jar license under subsection (f)(1)(v), (vi),

8

1 or (vii) of this section shall deposit with a financial institution that the Commission  
2 designates and to the credit of the Fund the gross profits from the tipjars that the person  
3 operates.

4 (ii) To offset the costs of operating a tip jar, a person that qualifies for  
5 a tip jar license under subsection (f)(1)(v), (vi), or (vii) of this section may retain [\$35]  
6 THE LESSER OF \$45 OR 50% OF THE GROSS PROFITS from each tip jar game.

7 (III) THE GROSS PROFITS OF A TIP JAR OPERATED BY A PERSON  
8 THAT IS SUBJECT TO THIS PARAGRAPH MAY NOT EXCEED \$250.

9 (4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A  
10 FRATERNAL, CIVIC, VETERANS, OR BONA FIDE CHARITABLE ORGANIZATION OR  
11 SPORTSMEN'S ASSOCIATION THAT QUALIFIES FOR A TIP JAR LICENSE UNDER  
12 SUBSECTION (F)(1)(III) OR (IV) OF THIS SECTION SHALL CONTRIBUTE TO  
13 CHARITABLE PURPOSES EACH YEAR:

14 1. 10% OF THE GROSS PROFITS EARNED BETWEEN JULY 1,  
15 1996 AND JUNE 30, 1997;

16 2. 15% OF THE GROSS PROFITS EARNED BETWEEN JULY 1,  
17 1997 AND JUNE 30, 1998; AND

18 3. 20% OF THE GROSS PROFITS EARNED BETWEEN JULY 1,  
19 1998 AND JUNE 30, 1999, AND EACH 12-MONTH PERIOD THEREAFTER.

20 (II) CONTRIBUTIONS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS  
21 PARAGRAPH SHALL BE DIVIDED WITH:

22 1. ONE-HALF BEING DEPOSITED WITH A FINANCIAL  
23 INSTITUTION THAT THE COMMISSION DESIGNATES AND TO THE CREDIT OF THE  
24 FUND; AND

25 2. ONE-HALF CONTRIBUTED DIRECTLY FOR CHARITABLE  
26 PURPOSES CHOSEN BY THE LICENSEE.

27 (III) THE DIRECT CONTRIBUTIONS UNDER SUBPARAGRAPH (II)2 OF  
28 THIS PARAGRAPH:

29 1. MAY INCLUDE UP TO 5% OF THE GROSS PROFITS EARNED  
30 DURING THE APPLICABLE PERIOD AS IN KIND CONTRIBUTIONS, INCLUDING  
31 CONTRIBUTIONS OF FREE FOOD, BEVERAGES, AND OTHER GOODS AND FREE  
32 RENTALS OF SPACE, MATERIALS, AND EQUIPMENT; AND

33 2. SHALL BE CONTRIBUTED IN ACCORDANCE WITH  
34 GUIDELINES ESTABLISHED BY THE BOARD BY REGULATION AFTER RECEIVING  
35 INPUT FROM THE WASHINGTON COUNTY CLUBS ASSOCIATION AND HOLDING A  
36 PUBLIC HEARING.

37 (IV) IF AN ORGANIZATION THAT IS SUBJECT TO THIS SUBSECTION  
38 DOES NOT CONTRIBUTE IN A YEAR THE FULL AMOUNT REQUIRED UNDER  
39 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE ORGANIZATION IN THE NEXT YEAR  
40 SHALL DEPOSIT, WITH A FINANCIAL INSTITUTION THAT THE COMMISSION

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1 DESIGNATES AND TO THE CREDIT OF THE FUND, THE BALANCE OF THE AMOUNT  
2 REQUIRED TO BE CONTRIBUTED.

3 (5) The [Commission] BOARD shall establish the time, method of deposit,  
4 and other procedures necessary to carry out [paragraph] PARAGRAPHS (3) AND (4) of  
5 this subsection.

6 [(5)] (6) The Commission may use money in the Fund to reimburse the  
7 Board for the costs to the County for administering this section in accordance with a  
8 written agreement between the Board and the Commission.

9 [(6)] (7) Each year, after the reimbursement under paragraph [(5)] (6) of  
10 this subsection, the Commission shall distribute:

11 (i) 60 percent of the moneys deposited in the Fund to bonafide  
12 charitable organizations in the County, subject to any restrictions that the Board may  
13 adopt by regulation; and

14 (ii) 40 percent of the moneys deposited in the Fund to the Washington  
15 County Volunteer Fire and Rescue Association.

16 (8) THE BOARD MAY NOT REDUCE THE TOTAL OF ITS APPROPRIATIONS  
17 TO NONPROFIT ORGANIZATIONS IN THE COUNTY BUDGET BELOW THE TOTAL  
18 APPROPRIATION TO NONPROFIT ORGANIZATIONS THAT IS IN THE BUDGET FOR THE  
19 1996 FISCAL YEAR.

20 [(q)] (R) (1) [Four times a year, each] EACH holder of a tip jar license shall  
21 submit to the [Commission] BOARD a [quarterly] report concerning the tip jars that it  
22 operates AT LEAST THREE TIMES A YEAR.

23 (2) A [quarterly] report shall include the number of tip jars in operation,  
24 the number of tip jar packets purchased, the identity of the gaming stickers used, and any  
25 additional information that the Board requires.

26 (3) An organization that qualifies for a tip jar license under subsection  
27 (f)(1)(v), (vi), or (vii) of this section shall include in each [quarterly] report an  
28 accounting of all receipts and disbursements made in connection with the operation of tip  
29 jars for [that quarter] THE PERIOD in accordance with regulations of the Board.

30 (4) A report submitted under this subsection shall include a written  
31 statement signed by the individual making it in which the individual solemnly affirms  
32 under the penalties under this section and under the penalty of perjury that the contents  
33 of the report are true to the best of the individual's knowledge, information, and belief.

34 (5) (I) EACH REPORT FILED BY AN ORGANIZATION THAT QUALIFIES  
35 FOR A TIP JAR LICENSE AND IS SUBJECT TO THE CONTRIBUTION REQUIREMENTS  
36 UNDER SUBSECTION (Q)(4) OF THIS SECTION SHALL:

37 1. BE FILED BY AN OFFICER OF THE ORGANIZATION; AND

38 2. INCLUDE FOR THE PERIOD IN ACCORDANCE WITH  
39 REGULATIONS OF THE BOARD AN ACCOUNTING OF ALL RECEIPTS IN CONNECTION

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1 WITH THE OPERATION OF TIP JARS AND THE DISBURSEMENTS MADE IN  
2 COMPLIANCE WITH SUBSECTION (Q)(4) OF THIS SECTION.

3 (II) 1. IN FILING A REPORT UNDER THIS PARAGRAPH AN  
4 INDIVIDUAL MAY NOT:

- 5 A. FRAUDULENTLY USE A FALSE OR FICTITIOUS NAME;
- 6 B. KNOWINGLY MAKE A FALSE STATEMENT;
- 7 C. KNOWINGLY CONCEAL A MATERIAL FACT; OR
- 8 D. OTHERWISE COMMIT A FRAUD IN FILING THE REPORT.

9 2. A PERSON WHO VIOLATES THIS SUBPARAGRAPH IS  
10 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
11 EXCEEDING \$1,000 OR IMPRISONMENT FOR NOT MORE THAN ~~40~~ 90 DAYS OR BOTH.

12 [(5)] (6) The [Commission] BOARD shall make reports submitted under  
13 this subsection available for public inspection in accordance with regulations of the  
14 Board.

15 [(r)] (S) (1) Subject to subsection [(t)] (U) of this section, the county agency  
16 may deny a tip jar license or a wholesaler's license to an applicant or discipline a holder  
17 of a license in accordance with this subsection.

18 (2) If the county agency finds that a person has violated this section, the  
19 person is subject to:

20 (i) For a first offense, denial or suspension of the person's tip jar  
21 license or wholesaler's license and a CIVIL fine not exceeding \$1,500; and

22 (ii) For a subsequent offense:

- 23 1. A CIVIL fine not exceeding \$5,000; and
- 24 2. Revocation of the person's tip jar license or wholesaler's  
25 license.

26 (3) In addition to the penalties under paragraph (2)(ii) of this subsection for  
27 a subsequent offense, if the licensee also has a liquor license, the county agency may  
28 recommend to the Board of License Commissioners that the licensee's liquor license be  
29 suspended for not less than 15 days.

30 (4) Fines collected under paragraph (2) of this subsection shall be credited  
31 to the general fund of the County.

32 [(s)] (T) A person whose tip jar license or wholesaler's license is revoked may not  
33 be issued another license.

34 [(t)] (U) (1) Before the county agency may take action under subsection [(r)]  
35 (S) of this section, the county agency shall give the person against whom the action is  
36 contemplated the opportunity for a hearing before the Board.

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1 (2) On request, the Board shall hold a hearing in the same manner as  
2 specified in Title 10, Subtitle 2 of the State Government Article.

3 (3) The Board may administer oaths in a proceeding under this subsection.

4 (4) If, after notice is given, the person against whom the action is  
5 contemplated does not appear, nevertheless the Board may hear and determine the  
6 matter.

7 [(u)] (V) (1) A person who does not hold a wholesaler's license may not sell OR  
8 ~~DISTRIBUTE~~ WHOLESALE FOR PROFIT a tip jar packet.

9 (2) A person who does not hold a tip jar license may not offer to another  
10 person a chance from a tip jar or otherwise operate a tip jar.

11 (3) A person who holds a tip jar license may not:

12 (I) [allow] ALLOW an individual under the age of 18 years to play a  
13 tip jar; OR

14 (II) OPERATE A TIP JAR ON PROPERTY OWNED BY THE  
15 WASHINGTON COUNTY SCHOOL BOARD.

16 (4) ~~A~~ EXCEPT FOR A VIOLATION UNDER SUBSECTION (R)(5) OF THIS  
17 SECTION, A person who violates this section is guilty of a misdemeanor and on conviction  
18 is subject to a fine not exceeding [\$1,000]:

19 (I) FOR A FIRST OFFENSE, \$5,000; AND

20 (II) FOR A SUBSEQUENT OFFENSE, \$10,000.

21 (5) Each sale or offer of a chance from a tip jar is considered a separate  
22 offense.

23 (6) IF A PERSON CONVICTED UNDER THIS SECTION HAS A LIQUOR  
24 LICENSE, THE COUNTY AGENCY SHALL RECOMMEND TO THE BOARD OF LICENSE  
25 COMMISSIONERS THAT THE PERSON'S LIQUOR LICENSE BE SUSPENDED FOR NOT  
26 LESS THAN 15 DAYS.

27 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2 of Chapter  
28 636 of the Acts of the General Assembly of 1995 be repealed.

29 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
30 read as follows:

31 **Chapter 636 of the Acts of 1995**

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 1995. It shall remain effective for a period of [22 months] 4 YEARS and, at the  
34 end of [April 30, 1997] JUNE 30, 1999, with no further action required by the General  
35 Assembly, this Act shall be abrogated and of no further force and effect.

36 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 July 1, 1996.

