

HOUSE BILL 607

Unofficial Copy
A2

2001 Regular Session
(11r0266)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Harford County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 488

1 AN ACT concerning

2 **Harford County - Alcoholic Beverages - Class BDR (Deluxe Restaurant)**
3 **Licenses**

4 FOR the purpose of creating in Harford County a special 7-day Class B (on-sale)
5 license known as the Class BDR (deluxe restaurant) beer, wine and liquor
6 license; restricting the issuance of ~~a certain~~ a certain Class BDR ~~license~~ licenses for
7 restaurants that are located in a certain area of Harford County and that meet
8 certain requirements; setting a certain annual license fee; requiring the Liquor
9 Control Board to adopt certain regulations; exempting from certain stock
10 ownership requirements certain applicants for Class BDR licenses; authorizing
11 the Liquor Control Board to issue not more than ~~four~~ a certain number of
12 licenses of a certain class to an individual for the use of a sole proprietorship,
13 partnership, corporation, unincorporated association, or limited liability
14 company; defining certain terms; and generally relating to alcoholic beverages
15 licenses in Harford County.

16 BY repealing and reenacting, without amendments,

1 Article 2B - Alcoholic Beverages
2 Section 6-201(n)(1)
3 Annotated Code of Maryland
4 (1998 Replacement Volume and 2000 Supplement)

5 BY adding to
6 Article 2B - Alcoholic Beverages
7 Section 6-201(n)(6) and 9-213(j)
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 2000 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article 2B - Alcoholic Beverages
12 Section 9-101(k)(7)(ii) and 9-213(e)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2000 Supplement)

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

17 **Article 2B - Alcoholic Beverages**

18 6-201.

19 (n) (1) This subsection applies only in Harford County.

20 (6) (I) THERE IS A SPECIAL 7-DAY CLASS B (ON-SALE) LICENSE
21 KNOWN AS THE CLASS BDR (DELUXE RESTAURANT) BEER, WINE AND LIQUOR
22 LICENSE.

23 (II) THE LICENSE MAY BE ISSUED ONLY IN ACCORDANCE WITH THE
24 PROVISIONS OF THIS PARAGRAPH.

25 (III) A CURRENT HOLDER OF ANY TYPE OF CLASS B ALCOHOLIC
26 BEVERAGES LICENSE ISSUED IN HARFORD COUNTY MAY APPLY FOR AND BE ISSUED
27 A CLASS BDR (BEER, WINE AND LIQUOR) LICENSE ONLY IF THE RESTAURANT FOR
28 WHICH THE CLASS BDR LICENSE IS SOUGHT IS LOCATED WITHIN THE FOLLOWING
29 AREA OF HARFORD COUNTY:

30 1. ALL OF ELECTION DISTRICT 1, PRECINCTS 1, 3, 4, 5, 6, 10, 16,
31 AND 1-45, AS THAT ELECTION DISTRICT AND THOSE PRECINCTS EXISTED ON
32 JANUARY 1, 2001;

33 2. THAT THE AREA OF ELECTION DISTRICT 1, PRECINCT 2, AS
34 THAT ELECTION DISTRICT AND THAT PRECINCT EXISTED ON JANUARY 1, 2001, THAT
35 IS SOUTH OF A LINE THAT RUNS ALONG THE CENTER OF PHILADELPHIA ROAD

1 BEGINNING AT THE HARFORD COUNTY-BALTIMORE COUNTY BOUNDARY LINE AND
 2 ENDING AT THE INTERSECTION WITH OLD MOUNTAIN ROAD; AND

3 3. THAT AREA OF ELECTION DISTRICT 1, PRECINCT 7, AS
 4 THAT ELECTION DISTRICT AND THAT PRECINCT EXISTED ON JANUARY 1, 2001, THAT
 5 IS SOUTH OF A LINE THAT RUNS ALONG THE CENTER OF PHILADELPHIA ROAD
 6 BEGINNING AT OLD MOUNTAIN ROAD AND ENDING AT WINTER'S RUN, WHICH IS THE
 7 CREEK THAT FORMS THE EASTERN BOUNDARY OF PRECINCT 7 OF ELECTION
 8 DISTRICT 1.

9 (IV) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (V) OF THIS
 10 PARAGRAPH, A PERSON THAT DOES NOT CURRENTLY HOLD ANY TYPE OF CLASS B
 11 ALCOHOLIC BEVERAGES LICENSE IN HARFORD COUNTY MAY APPLY FOR AND BE
 12 ISSUED A MAXIMUM OF TWO CLASS BDR LICENSES AS FOLLOWS:

13 1. A CLASS BDR LICENSE, REGARDLESS OF THE LOCATION
 14 OF THE RESTAURANT IN HARFORD COUNTY; AND

15 2. ONE ADDITIONAL CLASS BDR LICENSE, BUT ONLY IF THE
 16 LICENSE SOUGHT IS FOR A RESTAURANT THAT IS LOCATED WITHIN THE FOLLOWING
 17 AREA IN HARFORD COUNTY:

18 A. ALL OF ELECTION DISTRICT 1, PRECINCTS 1, 3, 4, 5, 6, 10, 16,
 19 AND 1-45, AS THAT ELECTION DISTRICT AND THOSE PRECINCTS EXISTED ON
 20 JANUARY 1, 2001;

21 B. THAT AREA OF ELECTION DISTRICT 1, PRECINCT 2, AS
 22 THAT DISTRICT AND THAT PRECINCT EXISTED ON JANUARY 1, 2001, THAT IS SOUTH
 23 OF A LINE THAT RUNS ALONG THE CENTER OF PHILADELPHIA ROAD BEGINNING AT
 24 THE HARFORD COUNTY-BALTIMORE COUNTY LINE AND ENDING AT THE
 25 INTERSECTION WITH OLD MOUNTAIN ROAD; AND

26 C. THAT AREA OF ELECTION DISTRICT 1, PRECINCT 7, AS
 27 THAT ELECTION DISTRICT AND THAT PRECINCT EXISTED ON JANUARY 1, 2001, THAT
 28 IS SOUTH OF A LINE THAT RUNS ALONG THE CENTER OF PHILADELPHIA ROAD
 29 BEGINNING AT OLD MOUNTAIN ROAD AND ENDING AT WINTER'S RUN, WHICH IS THE
 30 CREEK THAT FORMS THE EASTERN BOUNDARY OF PRECINCT 7 OF ELECTION
 31 DISTRICT 1.

32 (V) A PERSON THAT HAS OBTAINED A CLASS BDR LICENSE UNDER
 33 SUBPARAGRAPH (IV)1 OF THIS PARAGRAPH MAY NOT APPLY FOR AND OBTAIN ANY
 34 OTHER CLASS B LICENSE OTHER THAN A LICENSE OBTAINED IN ACCORDANCE WITH
 35 SUBPARAGRAPH (IV)2 OF THIS PARAGRAPH.

36 ~~(H)~~ (VI) THIS LICENSE MAY ONLY BE ISSUED TO RESTAURANTS
 37 THAT:

38 1. MEET THE DEFINITION REQUIREMENTS OF
 39 "RESTAURANT" ESTABLISHED UNDER THE REGULATIONS OF THE LIQUOR CONTROL
 40 BOARD;

1 9-101.

2 (k) In Harford County, if the application is made for a corporation, whether
3 incorporated or unincorporated or for a limited liability company:

4 (7) (ii) Stock ownership requirements do not apply to an applicant for a
5 Class B hotel or restaurant beer, wine and liquor license [or], a Class BNR beer, wine
6 and liquor license, OR A CLASS BDR (ON-SALE) BEER, WINE AND LIQUOR LICENSE in
7 which:

8 1. A majority of the shares of stock are owned or controlled
9 either directly or indirectly by 1 or more corporations whose shares of stock are
10 authorized for sale by the Securities and Exchange Commission of the United States;

11 2. At least 1 of the licensees is a resident operator of the
12 business conducted on the licensed premises and that same individual is responsible
13 for the day to day operation of the license;

14 3. All licensees, including the resident applicant, are named
15 officers of the corporation; and

16 4. The residency requirement in effect at the time the license
17 is issued remains in effect as long as the license is in effect.

18 9-213.

19 (e) [In] EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, IN
20 Harford County, a person, franchiser, franchisee, chain store operation, partnership,
21 firm or corporation may not have interest in more than one license, whether held or
22 controlled by direct or indirect ownership, by franchise operation, by stock ownership,
23 interlocking directors or interlocking stock ownership, or in any other manner,
24 directly or indirectly. It is the intention of this section to prohibit any person,
25 franchiser, franchisee, chain store operation, firm, partnership or corporation from
26 having any interest, directly or indirectly, in more than one license. This section does
27 not apply to licenses issued under the provisions of § 7-101 or to club licenses.

28 (J) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
29 SUBSECTION, IN HARFORD COUNTY, THE LIQUOR CONTROL BOARD MAY ISSUE
30 ADDITIONAL CLASS BDR (DELUXE RESTAURANT) LICENSES (ON-SALE ONLY) TO AN
31 INDIVIDUAL FOR THE USE OF A SOLE PROPRIETORSHIP, PARTNERSHIP,
32 CORPORATION, UNINCORPORATED ASSOCIATION, OR LIMITED LIABILITY COMPANY
33 IN THE COUNTY.

34 (2) THE MAXIMUM NUMBER OF CLASS B, INCLUDING CLASS BDR,
35 LICENSES THAT MAY BE ISSUED BY THE LIQUOR CONTROL BOARD TO AN
36 INDIVIDUAL FOR THE USE OF A SOLE PRACTITIONER, PARTNERSHIP, CORPORATION,
37 UNINCORPORATED ASSOCIATION, OR LIMITED LIABILITY COMPANY IN THE COUNTY
38 IS ~~FOUR~~ TWO.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2001.