

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Economic Matters --

Introduced by **Senators Miller and Middleton**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Calvert County and Charles County - Alcoholic Beverages - License for**
3 **Luxury-Type Restaurants**

4 FOR the purpose of creating in the 27th Legislative District in Calvert County a Class
5 BLX license for luxury-type restaurants; specifying the application process,
6 license fee, and qualifications, ~~and times meals may be served for a restaurant~~
7 ~~with~~ for a Class BLX license in the 27th Legislative District in Calvert County;
8 restricting the number of Class BLX licenses ~~that may be issued and the~~
9 ~~number of Class BLX licenses that may be held by one person in Calvert County;~~
10 in which any person or combination of persons may have a direct interest or
11 indirect interest in Calvert County; specifying certain conditions that evidence an
12 indirect interest; providing that one Class BLX license may be used for several
13 ~~restaurants under certain conditions in Calvert County;~~ altering the provisions
14 for a Class BLX license in Charles County; altering a certain license fee and
15 minimum capital investment requirement for a restaurant with a Class BLX
16 license in Charles County; ~~specifying the times meals may be served by a~~
17 ~~restaurant with a Class BLX license in Charles County;~~ restricting the number

1 of Class BLX licenses ~~that may be issued and the number of Class BLX licenses~~
 2 ~~that may be held by one person in the 28th Legislative District in Charles~~
 3 ~~County; providing that in which any person or combination of persons may have~~
 4 ~~a direct interest or indirect interest in the 28th Legislative District in Charles~~
 5 ~~County; specifying certain conditions that evidence an indirect interest; one Class~~
 6 ~~BLX license may be used for several restaurants under certain conditions in~~
 7 ~~Charles County;~~ making certain stylistic changes; and generally relating to
 8 alcoholic beverages licenses in Calvert County and Charles County.

9 BY repealing and reenacting, without amendments,
 10 Article 2B - Alcoholic Beverages
 11 Section 6-201(f)(1) and (j)(1)
 12 Annotated Code of Maryland
 13 (2005 Replacement Volume)

14 BY adding to
 15 Article 2B - Alcoholic Beverages
 16 Section 6-201(f)(4)
 17 Annotated Code of Maryland
 18 (2005 Replacement Volume)

19 BY repealing and reenacting, with amendments,
 20 Article 2B - Alcoholic Beverages
 21 Section 6-201(j)(4)
 22 Annotated Code of Maryland
 23 (2005 Replacement Volume)

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

26 **Article 2B - Alcoholic Beverages**

27 6-201.

28 (f) (1) This subsection applies only in Calvert County.

29 (4) (I) IN THE 27TH LEGISLATIVE DISTRICT OF CALVERT COUNTY,
 30 THERE IS A CLASS BLX LICENSE FOR LUXURY-TYPE RESTAURANTS.

31 (II) THE CLASS BLX LICENSE SHALL BE APPLIED FOR IN THE SAME
 32 MANNER AS ARE OTHER CLASSES OF LICENSES.

33 (III) THE LICENSE FEE IS ~~\$1,500~~ \$2,400.

34 (IV) A LUXURY-TYPE RESTAURANT SHALL BE DEFINED BY THE
 35 COUNTY LIQUOR BOARD.

1 (V) TO QUALIFY FOR A CLASS BLX LICENSE, A RESTAURANT SHALL
2 HAVE:

3 1. A MINIMUM CAPITAL INVESTMENT OF ~~\$1,000,000~~ \$500,000
4 FOR THE DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE
5 COST OF LAND, BUILDINGS, OR LEASES; AND

6 2. A SEATING CAPACITY OF AT LEAST 150 PERSONS.

7 ~~(VI) A HOLDER OF A CLASS BLX LICENSE MAY SERVE MEALS ONLY~~
8 ~~FROM 2 P.M. UNTIL THE LEGAL CLOSING HOUR.~~

9 ~~(VII) THE BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE~~
10 ~~MORE THAN 15 CLASS BLX LICENSES.~~

11 ~~(VIII) NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE,~~
12 ~~A PERSON MAY NOT HOLD MORE THAN SIX CLASS BLX LICENSES.~~

13 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL,
14 CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, LIMITED
15 PARTNERSHIP, JOINT VENTURE, ASSOCIATION, OR OTHER PERSON OR
16 COMBINATION OF PERSONS MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN
17 ANY COMBINATION IN MORE THAN 3 CLASS B AND CLASS BLX LICENSES.

18 (VII) AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN ANY
19 COMBINATION OF INDIVIDUALS, CORPORATIONS, LIMITED LIABILITY COMPANIES,
20 PARTNERSHIPS, LIMITED PARTNERSHIPS, JOINT VENTURES, ASSOCIATIONS, OR
21 OTHER PERSONS IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:

22 1. A COMMON PARENT COMPANY;

23 2. A FRANCHISE AGREEMENT;

24 3. A LICENSING AGREEMENT;

25 4. A CONCESSION AGREEMENT;

26 5. DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES
27 COMMONLY OWNED AND OPERATED;

28 6. A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS,
29 OR MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR
30 MEMBERS OF PARENTS OR SUBSIDIARIES;

31 7. COMMON DIRECT OR INDIRECT SHARING OF PROFIT
32 FROM THE SALE OF ALCOHOLIC BEVERAGES; OR

33 8. A SHARING OF A COMMON TRADE NAME, TRADEMARK,
34 LOGO OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.

35 (IX) A PERSON THAT IS AN INDIVIDUAL, PARENT CORPORATION, OR
36 OTHER ENTITY THAT OWNS SIX OR MORE RESTAURANT GROUPS THAT EACH HAVE

~~1 DISTINCT CUISINES AND THAT ARE DESIGNATED BY SEPARATE BRANDS OR
2 CONCEPTS MAY BE ISSUED ONE CLASS BLX LICENSE THAT MAY BE USED FOR ALL
3 THE RESTAURANTS IN A GROUP.~~

4 (j) (1) This subsection applies only in Charles County.

5 (4) (i) There is in addition to the classes provided for, a special Class B
6 license known as a Class BLX, which is issued only to luxury-type restaurants.

7 (ii) The Class BLX license shall be applied for in the same manner
8 as are other classes of licenses.

9 (iii) The license fee is ~~[\$2,400]~~ \$1,500.

10 (iv) A luxury-type restaurant shall be defined by the Board of
11 [Liquor] License Commissioners.

12 (v) [The] TO QUALIFY FOR A CLASS BLX LICENSE A restaurant
13 [may not] SHALL have:

14 1. [Less than a] A minimum capital investment of
15 ~~[\$550,000]~~ \$1,000,000 for the dining room facilities and kitchen equipment, not
16 including the cost of land, buildings, or leases; and

17 2. A seating capacity of [less than] AT LEAST 150 persons.

18 (VI) ~~A HOLDER OF A CLASS BLX LICENSE MAY SERVE MEALS ONLY
19 FROM 2 P.M. UNTIL THE LEGAL CLOSING HOUR.~~

20 (VII) ~~THE BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE
21 MORE THAN 15 CLASS BLX LICENSES.~~

22 (VIII) ~~NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE,
23 IN THE 28TH LEGISLATIVE DISTRICT OF CHARLES COUNTY, A PERSON MAY NOT HOLD
24 MORE THAN SIX CLASS BLX LICENSES. NOTWITHSTANDING ANY OTHER PROVISION
25 OF THIS ARTICLE, AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY,
26 PARTNERSHIP, LIMITED PARTNERSHIP, JOINT VENTURE, ASSOCIATION, OR OTHER
27 PERSON OR COMBINATION OF PERSONS MAY NOT HAVE A DIRECT OR INDIRECT
28 INTEREST IN ANY COMBINATION IN MORE THAN 6 CLASS B-BLX LICENSES.~~

29 (VII) AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN ANY
30 COMBINATION OF INDIVIDUALS, CORPORATIONS, LIMITED LIABILITY COMPANIES,
31 PARTNERSHIPS, LIMITED PARTNERSHIPS, JOINT VENTURES, ASSOCIATIONS, OR
32 OTHER PERSONS IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:

33 1. A COMMON PARENT COMPANY;

34 2. A FRANCHISE AGREEMENT;

35 3. A LICENSING AGREEMENT;

- 1 4. A CONCESSION AGREEMENT;
- 2 5. DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES
- 3 COMMONLY OWNED AND OPERATED;
- 4 6. A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS,
- 5 OR MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR
- 6 MEMBERS OF PARENTS OR SUBSIDIARIES;
- 7 7. COMMON DIRECT OR INDIRECT SHARING OF PROFIT
- 8 FROM THE SALE OF ALCOHOLIC BEVERAGES; OR
- 9 8. A SHARING OF A COMMON TRADE NAME, TRADEMARK,
- 10 LOGO OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.

11 (IX) ~~A PERSON THAT IS AN INDIVIDUAL, PARENT CORPORATION, OR~~

12 ~~OTHER ENTITY THAT OWNS SIX OR MORE RESTAURANT GROUPS THAT EACH HAVE~~

13 ~~DISTINCT CUISINES AND THAT ARE DESIGNATED BY SEPARATE BRANDS OR~~

14 ~~CONCEPTS MAY BE ISSUED ONE CLASS BLX LICENSE THAT MAY BE USED FOR ALL~~

15 ~~THE RESTAURANTS IN A GROUP.~~

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

17 July 1, 2006.