

# SENATE BILL 115

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By: **Senator Britt**

Introduced and read first time: January 24, 2007

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Class B–DD (Development**  
3 **District) License**

4 FOR the purpose of creating in Prince George's County a Class B–DD (development  
5 district) 7–day beer, wine and liquor license for on–sale consumption; specifying  
6 a certain annual license fee; specifying that a Class B–DD license be issued only  
7 for restaurants within certain areas; specifying certain restrictions on the  
8 transfer of a Class B–DD license; requiring the Board of License Commissioners  
9 to determine the persons to whom Class B–DD licenses are to be issued and the  
10 number of licenses each recipient may hold; authorizing a holder of a Class  
11 B–DD license to hold any other alcoholic beverages license; repealing the  
12 provisions that establish a Class B–RD license; exempting holders of Class  
13 B–DD licenses from certain qualifications for licensees and restrictions on  
14 holding multiple licenses; specifying certain areas, including in the Capital  
15 Plaza commercial area, in which Class B–DD licenses may be issued; repealing  
16 certain provisions allowing the holding of certain multiple Class B licenses  
17 under certain circumstances; making certain stylistic changes; and generally  
18 relating to alcoholic beverages licenses in Prince George's County.

19 BY repealing and reenacting, without amendments,  
20 Article 2B – Alcoholic Beverages  
21 Section 6–201(r)(1)(i) and 9–217(a)  
22 Annotated Code of Maryland  
23 (2005 Replacement Volume and 2006 Supplement)

24 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article 2B – Alcoholic Beverages  
 2 Section 6–201(r)(15)  
 3 Annotated Code of Maryland  
 4 (2005 Replacement Volume and 2006 Supplement)

5 BY repealing  
 6 Article 2B – Alcoholic Beverages  
 7 Section 8–1001 and the Subtitle “Subtitle 10. Revitalization Districts”  
 8 Annotated Code of Maryland  
 9 (2005 Replacement Volume and 2006 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article 2B – Alcoholic Beverages  
 12 Section 9–101(d)(6), 9–102(a), and 9–217(d), (e)(5), and (f)(1)(i), (2), and (5)  
 13 Annotated Code of Maryland  
 14 (2005 Replacement Volume and 2006 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 (r) (1) (i) This subsection applies only in Prince George’s County.

20 (15) (I) **THERE IS A CLASS B–DD (DEVELOPMENT DISTRICT)**  
 21 **7–DAY BEER, WINE AND LIQUOR LICENSE.**

22 (II) **ONLY ON–SALE CONSUMPTION IS PERMITTED.**

23 (III) **THE ANNUAL LICENSE FEE IS \$1,000.**

24 (IV) **A CLASS B–DD LICENSE MAY BE ISSUED ONLY FOR A**  
 25 **RESTAURANT WITHIN AN AREA DESIGNATED IN § 9–217(F)(5) OF THIS ARTICLE.**

26 (V) **OWNERSHIP OF A CLASS B–DD LICENSE MAY BE**  
 27 **TRANSFERRED FROM ONE LICENSE HOLDER TO ANOTHER IF THE LICENSE IS TO**  
 28 **BE USED AT THE SAME LOCATION BUT MAY NOT BE TRANSFERRED FOR USE AT A**  
 29 **DIFFERENT LOCATION.**

1                   **(VI) THE BOARD OF LICENSE COMMISSIONERS SHALL**  
2 **DETERMINE THE PERSONS TO WHOM CLASS B-DD LICENSES ARE TO BE ISSUED**  
3 **AND THE NUMBER OF LICENSES EACH RECIPIENT MAY HOLD.**

4                   **(VII) NOTWITHSTANDING ANY OTHER PROVISION OF THIS**  
5 **ARTICLE, A LICENSE HOLDER MAY HOLD A CLASS B-DD LICENSE IN ADDITION**  
6 **TO ANY OTHER LICENSE ISSUED UNDER THIS ARTICLE.**

7                   **(VIII) A CLASS B-DD LICENSE MAY NOT BE ISSUED TO A**  
8 **RESTAURANT LOCATED WITHIN A CHAIN STORE, SUPERMARKET, DISCOUNT**  
9 **HOUSE, DRUG STORE, OR CONVENIENCE STORE.**

10   [Subtitle 10. Revitalization Districts.]

11 [8-1001.

12           (a)    In this section, “district” means:

13                   (1)   A designated Maryland main street with a local management  
14 authority;

15                   (2)   A designated revitalization area; or

16                   (3)   An area with a revitalization plan that has been adopted locally.

17           (b)    This section applies only in Prince George’s County.

18           (c)    There is a Class B-RD license.

19                   (d)   (1)   A Class B-RD (revitalization district) license shall be issued by the  
20 office where Class B licenses are issued in the county.

21                                   (2)   The license authorizes the holder to keep for sale and sell liquor at  
22 retail in any premises licensed for Class B-RD sales.

23                                   (3)   Only on-sale consumption is permitted.

24           (e)    The annual license fee is \$660.

25           (f)    All applicants for this license shall:

- 1 (1) Be located and remain within a district;
- 2 (2) Have gross sales:
- 3 (i) That do not exceed \$150,000 per year; and
- 4 (ii) Of which at least 80 percent are derived from the sale of
- 5 food; and
- 6 (3) Be primarily a restaurant at which patrons are seated to eat.
- 7 (g) The hours and days for sale are as provided in § 11–517 of this article.
- 8 (h) The Board of License Commissioners shall determine the number of
- 9 Class B–RD (revitalization district) licenses to be issued.]

10 9–101.

11 (d) (6) This section does not apply to racetrack licenses, Class BLX

12 licenses, arena licenses, Class BCE (catering) licenses, Class B/ECF (educational

13 conference facility) licenses, **CLASS B–DD (DEVELOPMENT DISTRICT) LICENSES**,

14 or to businesses whose sales of stock or interests are authorized for sale by the

15 Securities and Exchange Commission of the United States.

16 9–102.

17 (a) No more than one license provided by this article, except by way of

18 renewal or as otherwise provided in this section, shall be issued in any county or

19 Baltimore City, to any person, or for the use of any partnership, corporation,

20 unincorporated association, or limited liability company, in Baltimore City or any

21 county of the State, and no more than one license shall be issued for the same

22 premises except as provided in §§ 2–201 through 2–208, 2–301, and 6–701, and

23 nothing herein shall be construed to apply to § **6–201(R)(15)**, § 7–101(b) and (c), §

24 8–202(g)(2)(ii) and (iii), § 8–508, or § 12–202 of this article.

25 9–217.

26 (a) This section applies only in Prince George’s County.

27 (d) This section does not apply to [licenses] **A LICENSE** issued under the

28 provisions of § 6–201(r)(2) [or], (5), **OR (15)** or § 7–101 of this article.

1 (e) (5) This subsection does not apply [to any licenses or] to any license  
2 issued under § 6–201(r)(2) [or], (5), **OR (15)** or § 7–101 of this article.

3 (f) (1) (i) **[A] EXCEPT AS PROVIDED IN § 6–201(R)(15) OF THIS**  
4 **ARTICLE, A** person, whether acting on that person’s behalf or on the behalf of another  
5 person or entity, corporation, association, partnership, limited partnership or other  
6 combination of persons (natural or otherwise) for whatever reason formed, may not  
7 have an interest in more than one license authorizing the retail or wholesale sale of  
8 alcoholic beverages.

9 (2) This subsection does not apply to licenses issued under the  
10 provisions of § 6–201(r)(2), (3), (5), (7), [or] (10), **OR (15)**, § 7–101, or § 8–505 of this  
11 article or to club licenses.

12 (5) (i) This paragraph does not apply to a [licensed premises]  
13 **RESTAURANT** located [in] **WITHIN** a chain store, supermarket, discount house, drug  
14 store, or convenience store.

15 (ii) [Notwithstanding any other provision of this article, the]  
16 **THE** Board of License Commissioners may [allow an individual, partnership,  
17 corporation, unincorporated association, or limited liability company to hold or have  
18 an interest in more than one Class B beer, wine and liquor license, if the restaurant  
19 for which the license is sought is located] **ISSUE A CLASS B-DD (DEVELOPMENT**  
20 **DISTRICT) LICENSE FOR A RESTAURANT** within:

21 1. Any of the following areas that are underserved by  
22 restaurants:

23 A. Suitland business district, consisting of properties  
24 fronting on or having access to Silver Hill Road between Suitland Parkway and Sunset  
25 Lane, and on Suitland Road between Arnold Road and Eastern Lane;

26 B. Part of the Port Towns business district, consisting of  
27 properties fronting on or having access to Rhode Island Avenue, Bladensburg Road,  
28 Annapolis Road, or 38th Street, in legislative district 22; [or]

29 C. Largo area, consisting of properties within the area  
30 bounded by the Capital Beltway (I–495) on the west, Central Avenue and Landover  
31 Road on the south and southeast, Campus Way North on the east and Route 214 and  
32 Landover Road on the north and northwest; or

1                   **D. CAPITAL PLAZA COMMERCIAL AREA, CONSISTING**  
2 **OF COMMERCIAL PROPERTIES WITHIN THE AREA BOUNDED BY THE**  
3 **BALTIMORE–WASHINGTON PARKWAY ON THE WEST AND NORTHWEST,**  
4 **MARYLAND ROUTE 450 ON THE SOUTH, AND COOPER LANE ON THE EAST AND**  
5 **NORTHEAST; OR**

6                               2.    A.    A waterfront entertainment retail complex as  
7 defined by a county zoning ordinance; or

8                               B.    A commercial establishment on 100 or more acres  
9 that is designated by the County Executive as a recreational, destination, or  
10 entertainment attraction.

11                              [(iii) 1.    Except as provided in sub–subparagraphs 2 and 3 of  
12 this subparagraph, a license holder may not hold more than 4 Class B beer, wine and  
13 liquor licenses within all of the underserved areas described in subparagraph (ii)1 of  
14 this paragraph.

15                              2.    A license holder may be issued or transferred a fifth  
16 Class B beer, wine and liquor license only if the date of the application for the fifth  
17 license is at least 1 year after the date the license holder was issued or transferred the  
18 fourth license.

19                              3.    A license holder may be issued or transferred a sixth  
20 Class B beer, wine and liquor license only if the date of the application for the sixth  
21 license is at least 1 year after the date the license holder was issued or transferred the  
22 fifth license.

23                              (iv)   An individual, partnership, corporation, unincorporated  
24 association, or limited liability company that holds or has an interest in a license  
25 located in an underserved area described in subparagraph (ii)1 of this paragraph may  
26 not hold or have an interest in more than one license located outside of all the  
27 underserved areas.

28                              (v)   An individual, partnership, corporation, unincorporated  
29 association, or limited liability company may not hold or have an interest in more than  
30 one license in a commercial establishment described in subparagraph (ii)2 of this  
31 paragraph.

32                              (vi)   The annual license fee for a Class B license obtained under  
33 this paragraph is \$2,500.

1                   (vii) A Class B license obtained under this paragraph does not  
2 confer off-sale privileges.

3                   (viii) The residency requirements under § 9-101 of this title apply  
4 to an applicant for a Class B license under this paragraph.

5                   (ix) The limit on the maximum number of Class B beer, wine  
6 and liquor licenses in the county under subsection (b) of this section applies to the  
7 issuance of licenses under this paragraph.]

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 July 1, 2007.