

# SENATE BILL 1028

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By: **Senator Klausmeier**

Introduced and read first time: February 26, 2013

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages – License Transfers**

3 FOR the purpose of providing in Baltimore County that Class B or Class D alcoholic  
4 beverages licenses transferred under certain provisions of law be added to  
5 certain totals of transferred licenses that are computed for certain purposes;  
6 making certain technical changes; and generally relating to alcoholic beverages  
7 licenses in Baltimore County.

8 BY repealing and reenacting, with amendments,  
9 Article 2B – Alcoholic Beverages  
10 Section 8–204.8  
11 Annotated Code of Maryland  
12 (2011 Replacement Volume and 2012 Supplement)

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

15 **Article 2B – Alcoholic Beverages**

16 8–204.8.

17 (a) This section applies only in Baltimore County.

18 (b) (1) Subject to § 8–204.7 of this subtitle and paragraph (2) of this  
19 subsection, from May 1, 2012, to April 30, 2017, both inclusive, the Board of Liquor  
20 License Commissioners may authorize the transfer of a Class B or Class D license in  
21 existence in election district 15 on May 1, 2012, to an election district in which the  
22 number of licenses in existence, on the date of approval of the transfer, is not greater  
23 than 25% more than the number of licenses that would otherwise exist in that election  
24 district, based on the rule of the Board of Liquor License Commissioners that limits  
25 the total number of licenses available in an election district by population.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Not more than two licenses may be transferred under this  
2 subsection into any single election district each year from May 1, 2012, to April 30,  
3 2017, both inclusive.

4 (c) (1) In accordance with this subsection, the Board of Liquor License  
5 Commissioners shall:

6 (i) Approve the transfer of Class B or Class D licenses from  
7 election district 15 to any other election district in the County; or

8 (ii) Issue new Class B Service Bar (SB) licenses under  
9 subsection (d) of this section.

10 (2) On or before April 30, 2013, the Board shall:

11 (i) Approve the transfer of five Class B or Class D licenses  
12 **UNDER SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS**  
13 **SUBTITLE;** or

14 (ii) If five licenses are not transferred, issue new Class B  
15 Service Bar (SB) licenses so that the number of licenses transferred or issued since  
16 May 1, 2012, totals five.

17 (3) On or before April 30, 2014, the Board shall:

18 (i) Approve the transfer of Class B or Class D licenses **UNDER**  
19 **SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE**  
20 so that the cumulative number of licenses transferred or issued [under this  
21 subsection] since May 1, 2012, totals at least 10; or

22 (ii) If the number of licenses transferred under item (i) of this  
23 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the  
24 cumulative number of licenses transferred or issued [under this subsection] since  
25 May 1, 2012, equals 10.

26 (4) On or before April 30, 2015, the Board shall:

27 (i) Approve the transfer of Class B or Class D licenses **UNDER**  
28 **SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE**  
29 so that the cumulative number of licenses transferred or issued [under this  
30 subsection] since May 1, 2012, totals at least 15; or

31 (ii) If the number of licenses transferred under item (i) of this  
32 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the

1 cumulative number of licenses transferred or issued [under this subsection] since May  
2 1, 2012, equals 15.

3 (5) On or before April 30, 2016, the Board shall:

4 (i) Approve the transfer of Class B or Class D licenses **UNDER**  
5 **SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE**  
6 so that the cumulative number of licenses transferred or issued [under this  
7 subsection] since May 1, 2012, totals at least 20; or

8 (ii) If the number of licenses transferred under item (i) of this  
9 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the  
10 cumulative number of licenses transferred or issued [under this subsection] since May  
11 1, 2012, equals 20.

12 (6) On or before April 30, 2017, the Board shall:

13 (i) Approve the transfer of Class B or Class D licenses **UNDER**  
14 **SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE**  
15 so that the cumulative number of licenses issued or transferred [under this  
16 subsection] since May 1, 2012, totals at least 25; or

17 (ii) If the number of licenses transferred under item (i) of this  
18 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the  
19 cumulative number of licenses issued or transferred [under this subsection] since May  
20 1, 2012, equals 25.

21 (7) In any year, if the Board approves the transfer of more Class B or  
22 Class D licenses than are needed to meet the minimum total required for that year,  
23 the excess will be counted against the minimum total required for the next year.

24 (8) The date a license is transferred under this subsection is the date  
25 of final, nonappealable approval of the application for a new license or for license  
26 transfer by the Board.

27 (d) (1) A Class B Service Bar (SB) beer and wine license may be issued  
28 only in compliance with this subsection.

29 (2) A Class B Service Bar (SB) license may be used only in the  
30 operation of a restaurant, as defined by the Board of Liquor License Commissioners  
31 and this article, that maintains average daily receipts from the sale of food of at least  
32 60% of the total daily receipts of the establishment.

33 (3) A Class B Service Bar (SB) license shall allow on-premises sales of  
34 beer and wine only.

1 (4) A Class B Service Bar (SB) license allows alcoholic beverages to be  
2 served to patrons only as part of a meal.

3 (5) (i) A Class B Service Bar (SB) license shall be restricted to  
4 restaurants that have table service.

5 (ii) A Class B Service Bar (SB) license does not allow service to  
6 a customer who is standing or accepting delivery of purchased food or beverage items  
7 other than while seated at a table.

8 (6) (i) Except as provided in subparagraph (ii) of this paragraph,  
9 the proposed location of the restaurant for which a Class B Service Bar (SB) license is  
10 sought shall comply with the zoning ordinances of Baltimore County, including  
11 allowing seating for not fewer than 30 customers and not more than 100 customers.

12 (ii) The license may not be used in conjunction with the viewing  
13 of televised sporting events or the use of live bands, disc jockeys, karaoke, or any other  
14 form of live entertainment.

15 (7) A Class B or D license transferred under subsection (b) of this  
16 section or a Class B Service Bar (SB) license issued under this subsection may not  
17 thereafter be transferred from the licensed premises or converted to another class of  
18 license.

19 (8) Not more than one Class B Service Bar (SB) license may be issued  
20 in any one election district per year.

21 (9) A Class B Service Bar (SB) license may not be issued for use on  
22 premises or a location for which any on-sale license has been issued within 2 years  
23 before the application for the Class B Service Bar (SB) license is filed.

24 (10) Any person, including an individual or sole proprietorship,  
25 partnership, corporation, unincorporated association, and limited liability company,  
26 may not have a direct or indirect interest as defined in § 9-102(b-3B) of this article in  
27 more than one Class B Service Bar (SB) license.

28 (e) The annual fee for a Class B Service Bar (SB) beer and wine license  
29 issued under this section is \$5,000.

30 (f) (1) When a license is transferred from election district 15 to another  
31 election district under this section, the license may not be construed to exist in election  
32 district 15.

33 (2) Subject to the 25% allowance authorized in subsection (b) of this  
34 section, a license transferred under this section shall be considered by the Board of  
35 Liquor License Commissioners as a regular license and not an exception license for  
36 determining the total number of licenses available in any election district based on the

1 rule of the Board of Liquor License Commissioners that limits the total number of  
2 licenses available by population.

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 June 1, 2013.