

# HOUSE BILL 90

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5lr0462

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By: **Montgomery County Delegation**

Introduced and read first time: January 23, 2015

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Waiver of License Requirements**

3 **MC 17–15**

4 FOR the purpose of authorizing the Montgomery County Board of License Commissioners,  
5 on the affirmative vote of a certain number of members, to waive certain registered  
6 voter and residency requirements for an applicant for an alcoholic beverages license  
7 if the application is made for a partnership; authorizing the Board, on the affirmative  
8 vote of a certain number of members, to waive certain registered voter, taxpayer, and  
9 residency requirements for an applicant for an alcoholic beverages license if the  
10 application is made for a certain corporation or club; authorizing the Board, on the  
11 affirmative vote of a certain number of members, to waive certain registered voter,  
12 taxpayer, and residency requirements for an applicant for an alcoholic beverages  
13 license if the application is made for a limited liability company; authorizing the  
14 Board, on the affirmative vote of a certain number of members, to waive a certain  
15 residency requirement for an applicant for an alcoholic beverages license; requiring  
16 the Board to obtain certain criminal records of an applicant for an alcoholic  
17 beverages license from a certain local police department under certain  
18 circumstances; and generally relating to waivers of requirements for alcoholic  
19 beverages licenses in Montgomery County.

20 BY repealing and reenacting, without amendments,  
21 Article 2B – Alcoholic Beverages  
22 Section 9–101(a)(1)  
23 Annotated Code of Maryland  
24 (2011 Replacement Volume and 2014 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article 2B – Alcoholic Beverages  
27 Section 9–101(a)(2)(i), (b)(1), and (c)(1) and 10–103(b)(4) and (13)(iv)  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2011 Replacement Volume and 2014 Supplement)

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

**Article 2B – Alcoholic Beverages**

9–101.

(a) (1) A license may not be issued to a partnership, to a corporation, or to a limited liability company, but only to individuals authorized to act for a partnership, corporation, or limited liability company who shall assume all responsibilities as individuals, and be subject to all of the penalties, conditions and restrictions imposed upon licensees under the provisions of the Tax – General Article that relate to the alcoholic beverage tax and the provisions of this article. If the application is made for a partnership, the license shall be applied for and be issued to all the partners as individuals, all of whom shall have resided in the city or county in which the place of business is located for at least 2 years prior to the application.

(2) (i) 1. In Montgomery County, if the application is made for a partnership, the license shall be applied for and issued to at least 2 general partners as individuals, at least one of whom is a registered voter of the county where the application is made and resides there at the time of the application.

2. If there is only one general partner, the license shall be issued to that partner as an individual, if that partner is a registered voter of the county where the application is made and resides there at the time of application.

**3. ON THE AFFIRMATIVE VOTE OF AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD MAY WAIVE THE REGISTERED VOTER AND RESIDENCY REQUIREMENTS UNDER THIS SUBPARAGRAPH.**

(b) (1) (I) [If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF the application is made for a corporation, or a club, whether incorporated or unincorporated, the license shall be applied for by and be issued to three of the officers of that corporation or club, as individuals, for the use of the corporation or club, at least one of whom shall be a registered voter and taxpayer of the county or city, or State of Maryland when the application is filed with the Comptroller, and shall also have resided therein, at least two years prior to the application.

(II) IN MONTGOMERY COUNTY, ON THE AFFIRMATIVE VOTE OF AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD MAY WAIVE THE REGISTERED VOTER, TAXPAYER, AND RESIDENCY REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

1 (c) (1) (i) Except as provided in subparagraphs (ii) [and], (iii), AND (IV) of  
2 this paragraph, if the application is made for a limited liability company, the license shall  
3 be applied for by and be issued to 3 of the authorized persons of that limited liability  
4 company, as individuals, for the use of the limited liability company, at least 1 of whom  
5 shall be a registered voter and taxpayer of the county or city, or the State when the  
6 application is filed with the Comptroller, and shall also have resided there at least 2 years  
7 before the application.

8 (ii) In Baltimore City, an authorized person of a limited liability  
9 company who holds an alcoholic beverages license for the use of the limited liability  
10 company that was granted on or before June 1, 2012, need not be a registered voter in  
11 Baltimore City.

12 (iii) Subject to subsection (a)(3) of this section, this paragraph applies  
13 in Harford County.

14 **(IV) IN MONTGOMERY COUNTY, ON THE AFFIRMATIVE VOTE OF**  
15 **AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE**  
16 **COMMISSIONERS, THE BOARD MAY WAIVE THE REGISTERED VOTER, TAXPAYER,**  
17 **AND RESIDENCY REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

18 10–103.

19 (b) Except as otherwise provided in this subtitle, every new application for a  
20 license shall be made to the Board of License Commissioners on forms prescribed by the  
21 Comptroller and sworn to by the applicant. Every application for a license shall contain the  
22 following:

23 (4) (i) Except as provided in subparagraphs (iii) [and], (v), AND (VII) of  
24 this paragraph, a statement that the applicant has been for two years next preceding the  
25 filing of the application a resident of the county or of the City of Baltimore in which the  
26 applicant proposes to operate under the license applied for.

27 (ii) The Board of License Commissioners of Prince George's County  
28 shall apply the residency requirements as specified in § 9–101 of this article.

29 (iii) In Dorchester County the residency requirement is 1 year.

30 (iv) In Carroll County, in addition to the applicant's residential  
31 statement required under this section, the license shall remain valid only for as long as the  
32 resident applicant remains a resident of the county.

33 (v) In Baltimore County, a statement that the applicant has been for  
34 2 years next preceding the filing of the application a resident of the State is required.

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1 (vi) An applicant for a license issued in the City of Annapolis may  
2 meet the residency requirement by residing anywhere in Anne Arundel County.

3 (vii) **IN MONTGOMERY COUNTY, ON THE AFFIRMATIVE VOTE OF**  
4 **AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE**  
5 **COMMISSIONERS, THE BOARD MAY WAIVE THE RESIDENCY REQUIREMENT UNDER**  
6 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

7 (13) (iv) In Montgomery County:

8 1. The Board of License Commissioners shall:

9 A. Obtain criminal records of alcoholic beverages license  
10 applicants from the Central Repository and the Montgomery County Police **OR, IF THE**  
11 **BOARD OF LICENSE COMMISSIONERS VOTES TO WAIVE THE RESIDENCY**  
12 **REQUIREMENT AS PROVIDED UNDER PARAGRAPH (4)(VII) OF THIS SUBSECTION,**  
13 **THE LOCAL POLICE DEPARTMENT WHERE THE APPLICANT IS A RESIDENT;**

14 B. Require applicants for alcoholic beverages licenses in the  
15 county to be fingerprinted; and

16 C. Forward the fingerprints through the Central Repository  
17 for transmittal to the Federal Bureau of Investigation for a national criminal history  
18 records check; and

19 2. Applicants for license renewal may be subject to these  
20 provisions.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
22 1, 2015.