

HOUSE BILL 90

A2

51r0462
CF SB 426

By: **Montgomery County Delegation**

Introduced and read first time: January 23, 2015

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2015

CHAPTER _____

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

23 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article 2B – Alcoholic Beverages
 2 Section 9–101(a)(1)
 3 Annotated Code of Maryland
 4 (2011 Replacement Volume and 2014 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article 2B – Alcoholic Beverages
 7 Section 9–101(a)(2)(i), (b)(1), and (c)(1) and 10–103(b)(4) ~~and (13)(iv)~~
 8 Annotated Code of Maryland
 9 (2011 Replacement Volume and 2014 Supplement)

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

12 **Article 2B – Alcoholic Beverages**

13 9–101.

14 (a) (1) A license may not be issued to a partnership, to a corporation, or to a
 15 limited liability company, but only to individuals authorized to act for a partnership,
 16 corporation, or limited liability company who shall assume all responsibilities as
 17 individuals, and be subject to all of the penalties, conditions and restrictions imposed upon
 18 licensees under the provisions of the Tax – General Article that relate to the alcoholic
 19 beverage tax and the provisions of this article. If the application is made for a partnership,
 20 the license shall be applied for and be issued to all the partners as individuals, all of whom
 21 shall have resided in the city or county in which the place of business is located for at least
 22 2 years prior to the application.

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

27 ~~2.~~ If there is only one general partner, the license shall be
 28 issued to that partner as an individual, if that partner is a ~~registered voter of the county~~
 29 ~~where the application is made~~ **RESIDENT OF THE STATE** and resides there at the time of
 30 application.

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

35 (b) (1) (I) [If] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
 36 **PARAGRAPH, IF** the application is made for a corporation, or a club, whether incorporated
 37 or unincorporated, the license shall be applied for by and be issued to three of the officers

1 of that corporation or club, as individuals, for the use of the corporation or club, at least one
2 of whom shall be a registered voter and taxpayer of the county or city, or State of Maryland
3 when the application is filed with the Comptroller, and shall also have resided therein, at
4 least two years prior to the application.

5 **(II) IN MONTGOMERY COUNTY, ~~ON THE AFFIRMATIVE VOTE OF~~**
6 **~~AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE~~**
7 **~~COMMISSIONERS, THE BOARD MAY WAIVE~~ AN INDIVIDUAL WHO IS A RESIDENT OF**
8 **THE STATE MEETS THE REGISTERED VOTER, TAXPAYER, AND RESIDENCY**
9 **REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

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

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

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

23 **(IV) IN MONTGOMERY COUNTY, ~~ON THE AFFIRMATIVE VOTE OF~~**
24 **~~AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE~~**
25 **~~COMMISSIONERS, THE BOARD MAY WAIVE~~ AN INDIVIDUAL WHO IS A RESIDENT OF**
26 **THE STATE MEETS THE REGISTERED VOTER, TAXPAYER, AND RESIDENCY**
27 **REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

28 10-103.

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

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

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

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

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

7 (v) In Baltimore County, a statement that the applicant has been for
8 2 years next preceding the filing of the application a resident of the State is required.

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

11 (VII) IN MONTGOMERY COUNTY, ~~ON THE AFFIRMATIVE VOTE OF~~
12 ~~AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE~~
13 ~~COMMISSIONERS, THE BOARD MAY WAIVE~~ AN INDIVIDUAL WHO IS A RESIDENT OF
14 THE STATE MEETS THE RESIDENCY REQUIREMENT UNDER SUBPARAGRAPH (I) OF
15 THIS PARAGRAPH.

16 ~~(13) (iv) In Montgomery County:~~

17 ~~1. The Board of License Commissioners shall:~~

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

23 ~~B. Require applicants for alcoholic beverages licenses in the~~
24 ~~county to be fingerprinted; and~~

25 ~~C. Forward the fingerprints through the Central Repository~~
26 ~~for transmittal to the Federal Bureau of Investigation for a national criminal history~~
27 ~~records check; and~~

28 ~~2. Applicants for license renewal may be subject to these~~
29 ~~provisions.~~

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
31 1, 2015.