

# HOUSE BILL 617

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By: **Prince George's County Delegation**

Introduced and read first time: February 12, 2015

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Licenses, Commissioners, and**  
3 **Inspectors**

4 **PG 307–15**

5 FOR the purpose of altering in Prince George's County the requirements relating to  
6 residency for an alcoholic beverages license applicant acting on behalf of a sole  
7 proprietorship or partnership; repealing a prohibition against issuing, renewing, or  
8 transferring a license to an individual on behalf of a corporation, unincorporated  
9 association, or limited liability company, unless County residents own a certain  
10 percentage of certain capital stock or interests; repealing certain exemptions from  
11 certain provisions relating to applications for certain alcoholic beverages licenses;  
12 repealing a certain obsolete provision; repealing certain residency requirements for  
13 any issuance, renewal, or transfer of a license, including a Class B beer, wine and  
14 liquor license; repealing the prohibition against issuing in or transferring into  
15 certain alcoholic beverages districts a beer, wine or liquor license that has an  
16 off-sale privilege; increasing the annual salaries of the members and the chairman  
17 of the County Board of License Commissioners; altering the number of part-time  
18 inspectors; altering the salary of a part-time inspector; making conforming and  
19 technical changes; and generally relating to alcoholic beverages in Prince George's  
20 County.

21 BY repealing and reenacting, with amendments,

22 Article 2B – Alcoholic Beverages

23 Section 9–101(a)(4) and (d), 9–217(f)(5), (j), and (l), 15–109(r)(2), and 15–112(r)(3)

24 Annotated Code of Maryland

25 (2011 Replacement Volume and 2014 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article 2B – Alcoholic Beverages

28 Section 9–217(a), 15–109(r)(1), and 15–112(r)(1)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2011 Replacement Volume and 2014 Supplement)

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

5 **Article 2B – Alcoholic Beverages**

6 9–101.

7 (a) (4) In Prince George’s County, if an application is made for a sole  
8 proprietorship or partnership, the license shall be applied for and issued to all partners as  
9 individuals, [all] **ONE** of whom shall have resided in [Prince George’s County for at least 2  
10 years] **THE STATE FOR AT LEAST 1 YEAR** prior to the application, [are] **IS A** registered  
11 [voters] **VOTER** in [Prince George’s County] **THE STATE**, and shall continue to be [bona  
12 fide residents of Prince George’s County] **A BONA FIDE RESIDENT OF THE STATE** as long  
13 as the license is in effect.

14 (d) (1) This subsection applies only in Prince George’s County.

15 (2) If the application is made for a corporation or a club, whether  
16 incorporated or unincorporated, or for a limited liability company, the license shall be  
17 applied for by and be issued to 3 of the officers of a corporation or club, or 3 of the authorized  
18 persons of a limited liability company, as individuals, for the use of the corporation, club,  
19 or limited liability company.

20 (3) [In addition to the provisions of subsection (a)(3) of this section, a  
21 license may not be issued, renewed, or transferred to an individual applying on behalf of a  
22 corporation, unincorporated association, or limited liability company, unless bona fide  
23 residents of Prince George’s County own 25 percent of the total issued capital stock of the  
24 corporation or unincorporated association or 25 percent of the interests of the limited  
25 liability company, as the case may be.

26 (4)] The application for a license shall:

27 (i) Set forth the names and addresses of all the officers of the  
28 corporation or club or of all the authorized persons of a limited liability company;

29 (ii) Be signed by the president or vice president of a corporation or  
30 club or the 3 officers or authorized persons, as the case may be, to whom the license is  
31 issued;

32 (iii) Disclose the name and address of the corporation, club,  
33 partnership, association, or limited liability company as well as the names and addresses  
34 of the applicants; and

1 (iv) In the case of a corporation where there are less than 3 officers  
2 or directors of the corporation, or in the case of a limited liability company where there are  
3 less than 3 authorized persons, all officers, directors, or authorized persons, as the case  
4 may be, shall make the application.

5 ~~[(5)]~~ (4) If a close corporation has no officers or directors, in order to make  
6 the application:

7 (i) ~~[At least 25 percent of the stock shall be held by Prince George's~~  
8 ~~County residents;~~

9 (ii) There shall be an affirmative vote of the stockholders holding a  
10 majority of the stock;

11 ~~[(iii)]~~ (II) At least 1 stockholder shall apply for the license as  
12 provided in this section; and

13 ~~[(iv)]~~ (III) The applicants or the corporation shall furnish annually  
14 to the Board of License Commissioners a sworn statement giving the name and address of  
15 each stockholder of the corporation and the number of shares that each stockholder owns  
16 in his name on which he has a right to vote at any stockholder meeting.

17 ~~[(6)]~~ This section does not apply to racetrack licenses, Class BLX licenses,  
18 arena licenses, Class BCE (catering) licenses, Class B-CC (convention center) licenses,  
19 Class B/ECF (educational conference facility) licenses, issuance, renewal, or transfer of  
20 Class B-DD (development district) licenses, or to businesses whose sales of stock or  
21 interests are authorized for sale by the Securities and Exchange Commission of the United  
22 States.

23 (7) Current licensees shall comply with the provisions of this section by  
24 July 1, 1985.]

25 9-217.

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

27 (f) (5) (i) This paragraph does not apply to a restaurant located within a  
28 chain store, supermarket, discount house, drug store, or convenience store.

29 (ii) Notwithstanding any other provision of this article, the Board of  
30 License Commissioners may allow an individual, partnership, corporation, unincorporated  
31 association, or limited liability company to hold or have an interest in more than one Class  
32 B beer, wine and liquor license, if the restaurant for which the license is sought is located  
33 within:

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

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

6 B. Part of the Port Towns business district, consisting of  
7 properties fronting on or having access to Rhode Island Avenue, Bladensburg Road,  
8 Annapolis Road, or 38th Street, in legislative district 22; or

9 C. Largo area, consisting of properties within the area  
10 bounded by the Capital Beltway (I-495) on the west, Central Avenue and Landover Road  
11 on the south and southeast, Campus Way North on the east and Route 214 and Landover  
12 Road on the north and northwest; or

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

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

18 (iii) 1. Except as provided in sub-subparagraph 2 and 3 of this  
19 subparagraph, a license holder may not hold more than 4 Class B beer, wine and liquor  
20 licenses within all of the underserved areas described in subparagraph (ii)1 of this  
21 paragraph.

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

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

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

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

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

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

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

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

8 (j) [The residency requirement provided for in § 9–101 of this article applies to  
9 any issuance, renewal, or transfer of a license] **RESERVED.**

10 (l) [(1) The Board of License Commissioners may not issue any new beer, wine  
11 or liquor licenses that have an off-sale privilege within, or transfer any additional beer,  
12 wine or liquor licenses that have an off-sale privilege into the boundaries of the 21st (that  
13 part located within the county), 22nd, 23rd, 24th, 25th, 26th, 27th (that part located within  
14 the county), or 47th alcoholic beverages district as follows:

15 (i) The 21st alcoholic beverages district at all times shall be  
16 coterminous with the Prince George's County part of the 21st legislative district. As ordered  
17 by the Maryland Court of Appeals on June 21, 2002, the Prince George's County part of the  
18 21st alcoholic beverages district consists of:

- 19 1. Prince George's County election district 1;
- 20 2. Prince George's County election district 10, precincts 1  
21 through 5, 9, 12, and 13;
- 22 3. Prince George's County election district 21, precincts 1, 2,  
23 4, 14, 15, and 17;
- 24 4. That part of Prince George's County election district 21,  
25 precinct 5 consisting of census tract 8073.05, block 1014; and
- 26 5. That part of Prince George's County election district 21,  
27 precinct 10 consisting of the following census tracts and blocks:
  - 28 A. Census tract 8067.03, blocks 1010, 1011, and 1014;
  - 29 B. Census tract 8069.00, blocks 1000 through 1019 and 3000  
30 through 3021;
  - 31 C. Census tract 8070.00, blocks 1000 through 1025; and
  - 32 D. Census tract 8074.08, blocks 4015 and 4016;

1 (ii) The 22nd alcoholic beverages district at all times shall be  
2 coterminous with the 22nd legislative district in Prince George's County. As ordered by the  
3 Maryland Court of Appeals on June 21, 2002, the 22nd alcoholic beverages district consists  
4 of:

5 1. Prince George's County election district 19;

6 2. Prince George's County election district 2, precincts 6 and  
7 10;

8 3. Prince George's County election district 14, precinct 8;

9 4. Prince George's County election district 16, precincts 2  
10 through 5;

11 5. Prince George's County election district 17, precincts 9  
12 and 12;

13 6. Prince George's County election district 20, precincts 1, 2,  
14 6, 7, and 11;

15 7. Prince George's County election district 21, precincts 3, 6  
16 through 9, 11 through 13, and 16;

17 8. That part of Prince George's County election district 2,  
18 precinct 5 consisting of the following census tracts and blocks:

19 A. Census tract 8039.00, blocks 1000 through 1013, 2000  
20 through 2007, and 3000 through 3015;

21 B. Census tract 8040.01, blocks 2001 and 2002; and

22 C. Census tract 8040.02, blocks 1003, 1010, 2000 through  
23 2002, and 2004;

24 9. That part of Prince George's County election district 2,  
25 precinct 8 consisting of census tract 8063.00, block 2016;

26 10. That part of Prince George's County election district 16,  
27 precinct 1 consisting of the following census tracts and blocks:

28 A. Census tract 8040.02, blocks 2049 and 2995;

29 B. Census tract 8063.00, blocks 1000, 1012 through 1035,  
30 1996 through 1999, 2001, 2003 through 2015, and 2997 through 2999; and

1 C. Census tract 8065.01, blocks 2996, 2997, 3011 through  
2 3015, 3996, and 3997; and

3 11. That part of Prince George's County election district 21,  
4 precinct 10 consisting of the following census tracts and blocks:

5 A. Census tract 8067.03, block 1001; and

6 B. Census tract 8074.08, block 4014;

7 (iii) The 23rd alcoholic beverages district at all times shall be  
8 coterminous with the 23rd legislative district in Prince George's County. As ordered by the  
9 Maryland Court of Appeals on June 21, 2002, the 23rd alcoholic beverages district consists  
10 of:

11 1. Delegate district 23A (two member delegate district):

12 A. Prince George's County election district 7, precincts 1  
13 through 5;

14 B. Prince George's County election district 10, precincts 6  
15 through 8, 10, and 11;

16 C. Prince George's County election district 14, precincts 1  
17 through 7, 9, and 10;

18 D. Prince George's County election district 20, precincts 9  
19 and 10; and

20 E. That part of Prince George's County election district 20,  
21 precinct 5 consisting of census tract 8004.08, blocks 2013, 2020, 2021, and 2022; census  
22 tract 8036.07, blocks 3009 through 3011; and census tract 8036.08, blocks 1000 through  
23 1002, 1005 through 1009, 1011 through 1015, 2000 through 2006, and 2008 through 2010;  
24 and

25 2. Delegate district 23B (single member delegate district):

26 A. Prince George's County election district 3, precincts 2 and  
27 3; and

28 B. Prince George's County election district 7, precincts 6  
29 through 11;

30 (iv) The 24th alcoholic beverages district at all times shall be  
31 coterminous with the 24th legislative district in Prince George's County. As ordered by the  
32 Maryland Court of Appeals on June 21, 2002, the 24th alcoholic beverages district consists  
33 of:

- 1  
2 1. Prince George's County election district 6, precincts 3, 6,  
9, 12, 15, and 19;
- 3  
4 2. Prince George's County election district 13, precincts 1, 3,  
5, 7, 8, 10, and 14 through 17;
- 5  
6 3. Prince George's County election district 18, precincts 1  
through 4 and 7 through 11;
- 7  
8 4. Prince George's County election district 20, precincts 4  
and 8;
- 9  
10 5. That part of Prince George's County election district 18,  
precinct 5 consisting of the following census tracts and blocks:
- 11  
12 A. Census tract 8031.00, blocks 1003 through 1015, 1021,  
1022, 1024 through 1029, and 2000 through 2017; and
- 13  
14 B. Census tract 8033.00, blocks 3006 and 3008; and
- 14  
15 6. That part of Prince George's County election district 18,  
precinct 6 consisting of census tract 8028.04, blocks 4005 and 4006;
- 16  
17 (v) The 25th alcoholic beverages district at all times shall be  
18 coterminous with the 25th legislative district in Prince George's County. As ordered by the  
19 Maryland Court of Appeals on June 21, 2002, the 25th alcoholic beverages district consists  
of:
- 20  
21 1. Prince George's County election district 3, precinct 4;
- 21  
22 2. Prince George's County election district 6, precincts 1, 4,  
5, 7, 10, 11, 14, 16, 18, and 20 through 23;
- 23  
24 3. Prince George's County election district 7, precinct 12;
- 24  
25 4. Prince George's County election district 9, precincts 1, 3,  
10, and 11;
- 26  
27 5. Prince George's County election district 13, precincts 4, 6,  
9, and 11 through 13;
- 28  
29 6. Prince George's County election district 15, precinct 2; and
- 29  
30 7. That part of Prince George's County election district 18,  
31 precinct 6 consisting of census tract 8028.04, blocks 1006 through 1009, 2000 through 2003,  
3000 through 3021, 4000, and 4002 through 4004;



1 (vi) The 26th alcoholic beverages district at all times shall be  
2 coterminous with the 26th legislative district in Prince George's County. As ordered by the  
3 Maryland Court of Appeals on June 21, 2002, the 26th alcoholic beverages district consists  
4 of:

- 5 1. Prince George's County election district 12;
- 6 2. Prince George's County election district 5, precincts 2, 3,  
7 and 5 through 7;
- 8 3. Prince George's County election district 6, precincts 2, 8,  
9 13, and 17; and
- 10 4. Prince George's County election district 9, precincts 2 and  
11 5;

12 (vii) The 27th alcoholic beverages district at all times shall be  
13 coterminous with the Prince George's County part of the 27th legislative district. As  
14 ordered by the Maryland Court of Appeals on June 21, 2002, the Prince George's County  
15 part of the 21st alcoholic beverages district was in delegate district 27A (two member  
16 delegate district) and consists of:

- 17 1. Prince George's County election districts 4, 8, and 11;
- 18 2. Prince George's County election district 3, precinct 1;
- 19 3. Prince George's County election district 5, precincts 1, 4,  
20 and 8;
- 21 4. Prince George's County election district 9, precincts 4 and  
22 6 through 9; and
- 23 5. Prince George's County election district 15, precincts 1, 3,  
24 and 4; and

25 (viii) The 47th alcoholic beverages district at all times shall be  
26 coterminous with the 47th legislative district in Prince George's County. As ordered by the  
27 Maryland Court of Appeals on June 21, 2002, the 47th alcoholic beverages district consists  
28 of:

- 29 1. Prince George's County election district 2, precincts 1  
30 through 4, 7, and 9;
- 31 2. Prince George's County election district 13, precinct 2;

1                                   3.     Prince George’s County election district 17, precincts 1  
2 through 8, 10, 11, 13, and 14;

3                                   4.     Prince George’s County election district 20, precinct 3;

4                                   5.     That part of Prince George’s County election district 2,  
5 precinct 5 consisting of the following census tracts and blocks:

6                                   A.     Census tract 8040.01, block 2000; and

7                                   B.     Census tract 8040.02, block 2003; and

8                                   6.     That part of Prince George’s County election district 2,  
9 precinct 8 consisting of the following census tracts and blocks:

10                                  A.     Census tract 8039.00, blocks 3016 and 3017;

11                                  B.     Census tract 8040.01, blocks 1000 through 1006, 2003, and  
12 2004;

13                                  C.     Census tract 8040.02, blocks 1000, 1001, 1002, 1004  
14 through 1009, 1011 through 1017, 2005, 2006, 2007, 2009 through 2034, 2040, 2047, 2048,  
15 2994, 2996, 2997, 2998, and 2999;

16                                  D.     Census tract 8043.00, blocks 1000 through 1005, 1011, and  
17 1014 through 1018;

18                                  E.     That part of Prince George’s County election district 16,  
19 precinct 1 consisting of census tract 8040.02, block 2008;

20                                  F.     That part of Prince George’s County election district 18,  
21 precinct 5 consisting of census tract 8031.00, blocks 1000, 1001, 1002, 1016 through 1020,  
22 and 1023; and census tract 8033.00, block 3007;

23                                  G.     That part of Prince George’s County election district 20,  
24 precinct 5 consisting of census tract 8036.01, blocks 1001 through 1005; and census tract  
25 8036.08, blocks 1003, 1004, 1010, 2007, 3000 through 3005, 4000, and 4002 through 4011;  
26 and

27                                  H.     That part of Prince George’s County election district 21,  
28 precinct 5 consisting of census tract 8073.01, block 1001; and census tract 8073.05, blocks  
29 1002 through 1013, 2001 through 2009, and 2011 through 2014.

30                                  (2)]   The Prince George’s County Board of License Commissioners may  
31 approve the issuance or transfer of a license into the boundaries of the 21st (that part  
32 located within the county), 22nd, 23rd, 24th, 25th, 26th, 27th (that part located within the

1 county), or 47th alcoholic beverages district provided any off-sale privileges of the license  
2 are permanently waived as long as the license remains within the boundaries of the district.

3 15-109.

4 (r) (1) This subsection applies only in Prince George's County.

5 (2) (i) Each of the members of the Board shall receive an annual salary  
6 of ~~[\$17,000]~~ **\$20,000**.

7 (ii) The chairman shall receive an annual salary of ~~[\$18,000]~~  
8 **\$22,000**.

9 15-112.

10 (r) (1) This subsection applies only in Prince George's County.

11 (3) (i) The inspectors shall:

12 1. Each have all the powers of a peace officer or a constable  
13 or sheriff of this State;

14 2. Make oath to faithfully perform the duties entrusted to  
15 them, as provided in Article I, § 9 of the Maryland Constitution;

16 3. Be known as "alcoholic beverages inspectors for Prince  
17 George's County";

18 4. Have the duty of visiting and inspecting every licensed  
19 premises periodically; and

20 5. Carry on the other duties the Board prescribes.

21 (ii) There are three full-time and ~~[32]~~ **24** part-time inspectors, all  
22 of whom shall be county residents. The three full-time inspector positions shall be  
23 designated as the chief inspector and the deputy chief inspectors. The three full-time  
24 inspectors who meet the standards set out by the Prince George's County merit board and  
25 who are certified by the personnel director as meeting these standards shall be entitled to  
26 the provisions of the county merit system.

27 (iii) Each part-time inspector shall receive an annual salary of  
28 ~~[\$10,900]~~ **\$13,900**.

29 (iv) The Board shall designate annually a chief inspector from among  
30 the three full-time inspectors. The chief inspector, under the direction of the Board, shall  
31 regulate the duties, hours, and assignments of the various inspectors.

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