HOUSE BILL 137

A2 5lr0528

By: **Charles County Delegation**
Introduced and read first time: January 27, 2015
Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

Charles County – Alcoholic Beverages – License Fees

FOR the purpose of altering in Charles County fees for holders of certain alcoholic beverages licenses; altering in Charles County an annual fee for providing live entertainment or outdoor table service by a holder of a Class B–R (restaurant) on–sale beer, wine and liquor license, Class B–RB (restaurant/bar) on–sale beer, wine and liquor license, Class B–T (tavern) on–sale beer, wine and liquor license, Class B–N (nightclub) on–sale beer, wine and liquor license, or Class B–H (hotel) on–sale beer, wine and liquor license; and generally relating to fees for holders of alcoholic beverages licenses in Charles County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 3–401(a)(1), 5–202(b)(1), 5–401(a)(1), 6–101(a)(1), 6–201(j)(1), 6–301(a)(1) and (j)(1), 6–401(a)(1), 7–101(d)(1)(i), and 7–101(m)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 3–401(j), 5–202(f), 5–401(j), 6–101(j)(1), 6–201(j)(2), (3), (4), (5), and (6), 6–301(j)(2), 6–401(j), 7–101(d)(7) through (13), and 7–101(m)(2)
Annotated Code of Maryland
(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

3–401.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

(a) (1) A Class D beer license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer at retail at the place described in the license. The beer may be consumed on the premises or elsewhere, but a license may not be issued for any drugstore.

(j) In Charles County the annual license fee is **[**$180**] $240**.

5–202.

(b) (1) A Class H beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises.

(f) In Charles County the annual license fee is **[**$240**] $340**.

5–401.

(a) (1) A Class D beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes its holder to keep for sale and to sell beer and light wines at retail, at the place described in the license, for consumption on the premises or elsewhere. The license may not be issued for any drugstore.

(j) In Charles County the annual license fee is **[**$240**] $340**.

6–101.

(a) (1) A Class A beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.

(j) (1) In Charles County the annual license fee is **[**$480**] $960**.

6–201.

(j) (1) This subsection applies only in Charles County.

(2) (i) There is a Class B–R (restaurant) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a restaurant that:

1. Is primarily engaged in the sale of food and nonalcoholic beverages for consumption on the premises; and

2. Contains a dining room with facilities for preparing and serving meals.

(iii) A license holder may not:

1. Establish an area on the premises of the restaurant that is a bar; or

2. Provide live entertainment.

(iv) The annual license fee is $360.

(v) In addition to the annual license fee, a license holder shall annually pay **[**$200**] $400** if the license holder provides outdoor table service.

(3) (i) There is a Class B–RB (restaurant/bar) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a restaurant that:

1. Is primarily engaged in the sale of food and nonalcoholic beverages for consumption on the premises;

2. Contains a dining room with facilities for preparing and serving meals; and

3. Contains an area commonly known as a bar, with stools to accommodate patrons with or without service of food.

(iii) The annual license fee is $460.

(iv) In addition to the annual license fee, a license holder shall annually pay:

1. **[**$200**] $400**, if the license holder provides live entertainment; and

2. **[**$200**] $400**, if the license holder provides outdoor table service.

(4) (i) There is a Class B–T (tavern) on–sale beer, wine and liquor license, to be issued by the Board of Liquor License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a restaurant or bar that:

1. Is primarily engaged in selling and serving alcoholic beverages, on a drink–by–drink basis; and

2. Has a seating capacity of less than 100 people, as determined by the State Fire Marshal.

(iii) The annual license fee is $460.

(iv) In addition to the annual license fee, a license holder shall annually pay:

1. **[**$200**] $400**, if the license holder provides live entertainment; and

2. **[**$200**] $400**, if the license holder provides outdoor table service.

(5) (i) There is a Class B–N (nightclub) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a nightclub facility that:

1. Is primarily engaged in selling and serving alcoholic beverages, on a drink–by–drink basis; and

2. Has a seating capacity of more than 100 people, as determined by the State Fire Marshal.

(iii) The annual license fee is $610.

(iv) In addition to the annual license fee, a license holder shall annually pay **[**$200**] $400** if the license holder provides live entertainment.

(6) (i) There is a Class B–H (hotel) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the on premises sale and consumption of beer, wine and liquor in a hotel common area, for a premises primarily engaged in the day–to–day rental of hotel rooms.

(iii) The annual license fee is $360.

(iv) In addition to the annual license fee, a license holder shall annually pay:

1. **[**$200**] $400**, if the license holder provides live entertainment; and

2. **[**$200**] $400**, if the license holder provides outdoor table service.

6–301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at any club, at the place described in the license, for consumption on the premises only.

(j) (1) This subsection applies only in Charles County.

(2) The annual license fee is **[**$300**] $350**.

6–401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(j) (1) This subsection applies only in Charles County.

(2) The annual license fee:

(i) For on– and off–sale of all alcoholic beverages is **[**$1,140**] $1,320**; and

(ii) For off–sale for liquor and on– or off–sale for beer and wine is **[**$720**] $1,020**.

7–101.

(d) (1) (i) A special Class C beer, wine and liquor license entitles the holder to exercise any of the privileges conferred by this class of license for the use of any person holding a bona fide entertainment conducted by a club, society, or association at the place described for a period not exceeding seven consecutive days, upon the payment of a fee of $15 per day.

(7) **NOTWITHSTANDING PARAGRAPH (1)(I) OF THIS SUBSECTION, IN CHARLES COUNTY THE FEE IS $25 PER DAY.**

(8) In Dorchester County:

(i) A holder of a special Class C beer, wine and liquor license may cater an event at the place described in the license on the effective days of the license;

(ii) The fee is $25 per day; and

(iii) A holder of a special Class C beer, wine and liquor license:

1. Shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

2. May not serve an alcoholic beverage to any individual who does not wear the wristband.

(iv) A person who violates this paragraph is subject to:

1. For the first offense, a fine of $50; and

2. For the second offense, a fine not exceeding $500 and denial of further requests for licenses for catering additional events.

[(8)**] (9)** In Frederick County the fee is $30 per day.

[(9)**] (10)** In Garrett County, a holder of a special Class C beer, wine and liquor license may purchase beer and light wine from a wholesale dealer.

[(10)**] (11)** In Harford County the fee is $30 per day.

[(11)**] (12)** Notwithstanding paragraph (1)(i) of this subsection, in Montgomery County:

(i) The fee is $60 per day; and

(ii) Notwithstanding § 1–102(a)(4) of this article, the Board of License Commissioners may issue a one–day special Class C beer, wine and liquor license to a community swimming pool club.

[(12)**] (13)** (i) This paragraph applies only in Prince George's County.

(ii) Except as provided in item (iii) of this paragraph, the fee is $200 per day.

(iii) For a club, society, or association holding a casino or gambling event, the fee is $150 per day, which shall be paid by the club, society, or association and shall be considered as part of the club's, society's, or association's special license fee.

(iv) When the Board of License Commissioners issues a license under this paragraph, the Board shall notify the chief of police, the fire chief, the director of the Department of Environmental Resources, and, if applicable, the municipal corporation in which the event is to be held, as to the time, place, and expected size of the event for which the license is issued.

(v) The Board of License Commissioners may deny an application for this license if it is determined that the applicant does not qualify under the provisions of this article.

[(13)**] (14)** In Wicomico County the fee is $45 per day.

(m) (1) This subsection applies only in Charles County.

(2) The Board of License Commissioners may issue a special Class D (on–sale) beer permit to any bona fide religious, fraternal, civic, veterans', hospital or charitable organization for a period not exceeding ten consecutive days from the effective date of the license, subject to any conditions the Board may impose on the issuance of this permit. The fee for this permit is **[**$25**] $45**.

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