

HOUSE BILL 448

A2

8lr3136
CF SB 395

By: **Baltimore City Delegation**

Introduced and read first time: January 25, 2018

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2018

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages License – ~~Residency and~~ Registered Voter**
3 **Requirements**

4 FOR the purpose of exempting certain individuals who apply for alcoholic beverages
5 licenses for the use of a ~~partnership~~, corporation, club, or limited liability company
6 in Baltimore City from certain ~~residency and~~ registered voter requirements;
7 ~~establishing certain requirements for the issuance of an alcoholic beverages license~~
8 ~~to a partnership, corporation, or club in Baltimore City;~~ and generally relating to
9 applications for alcoholic beverages licenses in Baltimore City.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages
12 Section 12–102
13 Annotated Code of Maryland
14 (2016 Volume and 2017 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages
17 Section 12–1401
18 Annotated Code of Maryland
19 (2016 Volume and 2017 Supplement)

20 ~~BY adding to~~
21 ~~Article – Alcoholic Beverages~~
22 ~~Section 12–1401.1 and 12–1402~~

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 ~~Annotated Code of Maryland~~
 2 ~~(2016 Volume and 2017 Supplement)~~

3 BY repealing
 4 Article – Alcoholic Beverages
 5 Section 12–1402
 6 Annotated Code of Maryland
 7 (2016 Volume and 2017 Supplement)

8 BY adding to
 9 Article – Alcoholic Beverages
 10 Section 12–1402
 11 Annotated Code of Maryland
 12 (2016 Volume and 2017 Supplement)

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

15 **Article – Alcoholic Beverages**

16 12–102.

17 This title applies only in Baltimore City.

18 12–1401.

19 (a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
 20 of Division I of this article apply in the City without exception or variation:

21 (1) § 4–102 (“Applications to be filed with local licensing board”);

22 ~~[(2) § 4–103 (“Application on behalf of partnership”);~~

23 ~~[(3) § 4–104 (“Application on behalf of corporation or club”);]~~

24 ~~[(4) ~~(2)~~ (3) § 4–106 (“Payment of notice expenses”);~~

25 ~~[(5) ~~(3)~~ (4) § 4–108 (“Application form required by Comptroller”);~~

26 ~~[(6) ~~(4)~~ (5) § 4–111 (“Payment of license fees”);~~

27 ~~[(7) ~~(5)~~ (6) § 4–112 (“Disposition of license fees”);~~

28 ~~[(8) ~~(6)~~ (7) § 4–113 (“Refund of license fees”); and~~

29 ~~[(9) ~~(7)~~ (8) § 4–114 (“Fees for licenses issued for less than 1 year”).~~

1 (b) ~~{Section} THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1~~
 2 ~~(“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT~~
 3 ~~APPLY IN THE CITY:~~

4 (1) ~~§ 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH~~
 5 ~~IS SUPERSEDED BY § 12-1401.1 OF THIS SUBTITLE;~~

6 (2) ~~§ 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),~~
 7 ~~WHICH IS SUPERSEDED BY §§ 12-1401.1 AND 12-1402 OF THIS SUBTITLE; AND~~

8 (3) ~~§ 4-110 (“Required information on application — Petition of support”)~~
 9 ~~{of Division I of this article does not apply in the City and}, WHICH~~ is superseded by §
 10 12-1405 of this subtitle.

11 (c) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
 12 of Division I of this article apply in the City:

13 (1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),
 14 SUBJECT TO § 12-1402 OF THIS SUBTITLE;

15 ~~(2)~~ (2) § 4-105 (“Application on behalf of limited liability company”), subject
 16 to ~~{§ 12-1402} §§ 12-1401.1 AND 12-1402~~ of this subtitle;

17 ~~(3)~~ (3) § 4-107 (“Criminal history records check”), subject to § 12-1403 of
 18 this subtitle; and

19 ~~(4)~~ (4) § 4-109 (“Required information on application — In general”), subject
 20 to § 12-1404 of this subtitle.

21 ~~12-1401.1.~~

22 (A) ~~AN APPLICATION FOR A LICENSE FOR THE USE OF A PARTNERSHIP~~
 23 ~~SHALL BE MADE BY AND THE LICENSE ISSUED TO ALL PARTNERS AS INDIVIDUALS.~~

24 (B) ~~EACH OF THE PARTNERS MUST HAVE RESIDED IN THE STATE FOR AT~~
 25 ~~LEAST 2 YEARS BEFORE THE APPLICATION IS FILED.~~

26 (C) ~~THE APPLICATION FOR A LICENSE SHALL STATE THE NAME AND~~
 27 ~~ADDRESS OF THE PARTNERSHIP AND THE NAME AND ADDRESS OF EACH APPLICANT.~~

28 (D) (1) ~~THIS SUBSECTION APPLIES TO:~~

29 (i) ~~A CORPORATION; AND~~

~~(H) A CLUB, WHETHER INCORPORATED OR UNINCORPORATED.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE APPLIED FOR AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB AS INDIVIDUALS.~~

~~(3) AT LEAST ONE OF THE THREE OFFICERS MUST HAVE RESIDED IN THE STATE FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED.~~

~~(4) IF A CORPORATION HAS FEWER THAN THREE OFFICERS OR DIRECTORS, ALL OFFICERS OR DIRECTORS SHALL APPLY FOR A LICENSE.~~

~~(5) IN A CLOSE CORPORATION, AT LEAST ONE INDIVIDUAL STOCKHOLDER MAY APPLY FOR A LICENSE IF:~~

~~(I) THE CLOSE CORPORATION DOES NOT HAVE OFFICERS OR DIRECTORS; AND~~

~~(II) THERE IS AN AFFIRMATIVE VOTE OF A MAJORITY OF THE STOCKHOLDERS.~~

~~(6) AN APPLICATION FOR A CORPORATION OR A CLUB LICENSE SHALL INCLUDE:~~

~~(I) THE NAME AND ADDRESS OF EACH OFFICER;~~

~~(II) THE NAME AND ADDRESS OF THE CORPORATION OR CLUB;~~
~~AND~~

~~(III) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT OF THE CORPORATION OR CLUB AND OF THE THREE OFFICERS TO WHOM THE LICENSE SHALL BE ISSUED.~~

[12-1402.

An authorized person of a limited liability company who holds a license for the use of the limited liability company that was granted on or before June 1, 2012, need not be a registered voter in the City.]

12-1402.

A REQUIREMENT THAT AN APPLICANT FOR A LICENSE BE A REGISTERED VOTER DOES NOT APPLY TO AN INDIVIDUAL WHO APPLIES FOR A LICENSE FOR THE USE OF A CORPORATION, CLUB, OR LIMITED LIABILITY COMPANY.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.