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**By: Montgomery County Delegation**

Introduced and read first time: January 31, 1997

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages - Class A Beer, Wine and Liquor Licenses**  
3 **MC 715-97**

4 FOR the purpose of establishing a Class A beer, wine and liquor license in Montgomery  
5 County; restricting the issuance of the license to the Director of the Department of  
6 Liquor Control or an individual with whom the Director has contracted to operate  
7 a retail outlet for the sale of beer, wine and liquor; establishing an annual fee for  
8 the license; establishing an exception to the requirement that the Board of License  
9 Commissioners for Montgomery County obtain certain criminal background  
10 information from an applicant for an alcoholic beverages license; establishing an  
11 exception to the requirement that an applicant for an alcoholic beverages license in  
12 Montgomery County submit certain personal information with the application;  
13 providing for the issuance and renewal of a Class A beer, wine and liquor license on  
14 the death of the Director of the Department of Liquor Control holding the license  
15 for the benefit of the Department under this Act; establishing the hours and days on  
16 which the privileges conferred on a Class A beer, wine and liquor license may be  
17 exercised; making a conforming change; and generally relating to a Class A beer,  
18 wine and liquor license in Montgomery County.

19 BY repealing and reenacting, with amendments,  
20 Article 2B - Alcoholic Beverages  
21 Section 6-101(q), 9-101(a)(1), 10-103(b), 10-104(q), and 11-516(d)  
22 Annotated Code of Maryland  
23 (1996 Replacement Volume)

24 BY adding to  
25 Article 2B - Alcoholic Beverages  
26 Section 10-506(e)  
27 Annotated Code of Maryland  
28 (1996 Replacement Volume)

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

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1           **Article 2B - Alcoholic Beverages**

2 6-101.

3           (q) (1) This [section does not apply] SUBSECTION APPLIES ONLY in  
4 Montgomery County.

5           (2) A CLASS A BEER, WINE AND LIQUOR LICENSE MAY ONLY BE ISSUED  
6 TO THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL OR AN INDIVIDUAL  
7 WITH WHOM THE DIRECTOR OR THE DEPARTMENT HAS CONTRACTED TO OPERATE  
8 A RETAIL OUTLET FOR THE SALE OF BEER, WINE AND LIQUOR.

9           (3) THE ANNUAL FEE FOR THE LICENSE IS \$500.

10 9-101.

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

20           (1) (i) Subject to subparagraph (ii) of this paragraph, in Baltimore and  
21 Montgomery Counties, if the application is made for a partnership, the license shall be  
22 applied for and issued to at least 2 general partners as individuals, at least one of whom  
23 is a registered voter of the county where the application is made and resides there at the  
24 time of the application. If there is only one general partner, the license shall be issued to  
25 that partner as an individual, if that partner is a registered voter of the county where the  
26 application is made and resides there at the time of application.

27           (ii) In Baltimore County, the provisions of this paragraph may not be  
28 construed to waive any of the requirements under §§ 9-102 and 9-301 of this article.

29           (III) IN MONTGOMERY COUNTY, THE PROVISIONS OF THIS  
30 SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE ISSUANCE OF A CLASS A  
31 BEER, WINE AND LIQUOR LICENSE TO THE DIRECTOR OF THE DEPARTMENT OF  
32 LIQUOR CONTROL UNDER § 6-101(Q) OF THIS ARTICLE.

33 10-103.

34           (b) Except as otherwise provided in this subtitle, every new application for a  
35 license shall be made to the Board of License Commissioners upon forms prescribed by  
36 the Comptroller and sworn to by the applicant. Every application for a license shall  
37 contain the following statements:

38           (1) The class of license desired;

39           (2) The name and residence of the applicant and how long he has resided at  
40 that address;

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1 (3) Except in Baltimore and Howard Counties, a statement that the  
2 applicant is a citizen of the United States;

3 (4) (i) Except as provided in subparagraph (ii) of this paragraph, a  
4 statement that the applicant has been for two years next preceding the filing of his  
5 application a resident of the county or of the City of Baltimore in which he proposes to  
6 operate under the license applied for. The Board of License Commissioners of Prince  
7 George's County shall apply the residency requirements as specified in § 9-101 of this  
8 article;

9 (ii) In Dorchester County the residency requirement is 1 year;

10 (iii) In Carroll County, in addition to the applicant's residential  
11 statement required under this section, the license shall remain valid only for as long as  
12 the resident applicant remains a resident of the county;

13 (5) The age and sex of the applicant;

14 (6) Except in Baltimore and Howard Counties, the place of birth of the  
15 applicant, and if a naturalized citizen, when and where he was naturalized;

16 (7) The particular place for which a license is desired, designating the same  
17 by street and number if practicable; if not, by such other apt description as definitely  
18 locates it and also a description of the portion of the building in which the business will  
19 be conducted;

20 (8) The name of the owner of the premises upon which the business sought  
21 to be licensed is to be carried on;

22 (9) (i) A statement that the applicant has never been convicted of a  
23 felony and a further statement as to whether he has ever been adjudged guilty of violating  
24 the laws governing the sale of alcoholic beverages or for the prevention of gambling in the  
25 State of Maryland.

26 (ii) In Worcester County a statement that the applicant has never  
27 offered a plea of nolo contendere to a felony indictment which was accepted by a court.

28 (iii) In Wicomico County a statement that the applicant consents to the  
29 board investigating the applicant's criminal record.

30 (iv) 1. In Prince George's and Worcester Counties, a signed  
31 statement by the applicant that the applicant has not been convicted of a felony or if the  
32 application is being made for the use of a corporation, that the applicant and none of the  
33 stockholders of that corporation have been convicted of a felony; and

34 2. In Worcester County, that the owner of the corporation has  
35 not been convicted of a felony;

36 (10) A statement that the applicant has a pecuniary interest in the business to  
37 be conducted under said license;

38 (11) A statement that the applicant has not had a license for the sale of  
39 alcoholic beverages revoked;

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1 (12) A statement that the applicant, or person on behalf of whom the  
 2 application is filed, is not pecuniarily interested in any other place of business in said  
 3 county or City of Baltimore where or for which a license has been applied for, granted or  
 4 issued under this article, except as otherwise permitted in this article;

5 (13) (i) 1. A statement as to whether the applicant has ever been  
 6 adjudged guilty of any offense against the laws of the State or of the United States.

7 2. The respective boards shall destroy the records obtained  
 8 under subparagraphs (ii), (iv), (v), (vi), (vii), (viii), and (ix) of this paragraph upon  
 9 completion of its necessary use of the records;

10 (ii) 1. The provisions of this subparagraph (ii) apply in the  
 11 following:

12 A. Anne Arundel County;

13 B. Harford County;

14 C. Prince George's County;

15 D. St. Mary's County; and

16 E. Worcester County.

17 2. The County Board of License Commissioners or the liquor  
 18 control board may obtain criminal records on alcoholic beverages license applicants and  
 19 their agents in its respective county from the Criminal Justice Information System Central  
 20 Repository of the Department of Public Safety and Correctional Services and county  
 21 police.

22 (iii) The Worcester County Board of License Commissioners also may  
 23 obtain criminal records pursuant to the provisions of subparagraph (ii) of this paragraph  
 24 on the stockholders which hold at least 10% interest in the corporation and owners of a  
 25 corporation when the application is being made for the use of the corporation;

26 (iv) In Montgomery County:

27 1. The Board of License Commissioners shall:

28 A. Obtain criminal records of alcoholic beverages license  
 29 applicants from the Criminal Justice Information System Central Repository of the  
 30 Department of Public Safety and Correctional Services and Montgomery County Police;

31 B. Require applicants for alcoholic beverages licenses in the  
 32 County to be fingerprinted; and

33 C. Forward the fingerprints through the Criminal Justice  
 34 Information System Central Repository of the Department of Public Safety and  
 35 Correctional Services for transmittal to the Federal Bureau of Investigation for a national  
 36 criminal history records check; [and]

37 2. Applicants for license renewal may be subject to these  
 38 provisions; AND

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1                                   3. THE PROVISIONS OF THIS SUBPARAGRAPH DO NOT APPLY  
2 TO THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL WHEN APPLYING  
3 FOR A CLASS A BEER, WINE AND LIQUOR LICENSE UNDER § 6-101(Q) OF THIS  
4 ARTICLE.

5                                   (v) In Frederick County:

6                                   1. The Board of License Commissioners shall:

7                                   A. Obtain criminal records of alcoholic beverages license  
8 applicants from the Criminal Justice Information System Central Repository of the  
9 Department of Public Safety and Correctional Services;

10                                  B. Require applicants for alcoholic beverages licenses in the  
11 County to be fingerprinted; and

12                                  C. Forward the fingerprints through the Criminal Justice  
13 Information System Central Repository of the Department of Public Safety and  
14 Correctional Services for transmittal to the Federal Bureau of Investigation for a national  
15 criminal history records check; and

16                                  2. Applicants for license renewal may not be subject to these  
17 provisions.

18                                  (vi) 1. The provisions of this subparagraph apply only in Cecil  
19 County, Charles County, and Dorchester County.

20                                  2. The Boards of License Commissioners shall:

21                                  A. Obtain criminal records of new alcoholic beverages license  
22 applicants from the Criminal Justice Information System Central Repository of the  
23 Department of Public Safety and Correctional Services;

24                                  B. Require applicants for new alcoholic beverages licenses to be  
25 fingerprinted; and

26                                  C. Forward the fingerprints through the Criminal Justice  
27 Information System Central Repository of the Department of Public Safety and  
28 Correctional Services for transmittal to the Federal Bureau of Investigation (F.B.I.) for a  
29 national criminal history records check. Applications for license renewal are not subject  
30 to these provisions.

31                                  3. The County Commissioners may set a fee to cover the cost of  
32 obtaining the fingerprints and the Maryland and national criminal history records check.

33                                  4. The Boards shall keep all criminal records in a sealed  
34 envelope available only to the members of the Boards and the Clerks to the Boards.

35                                  5. The hearing for a new applicant and the issuance of a license  
36 may not be delayed due to the failure of the F.B.I. to provide the requested criminal  
37 history records check by the date of the scheduled hearing.

38                                  (vii) 1. The provisions of this subparagraph apply only in Wicomico  
39 County.

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1                                   2. The Board of License Commissioners shall:

2                                   A. Obtain criminal records of license applicants from the  
3 Criminal Justice Information System Central Repository of the Department of Public  
4 Safety and Correctional Services;

5                                   B. Require applicants for licenses to be fingerprinted; and

6                                   C. Forward the fingerprints through the Department of Public  
7 Safety and Correctional Services for transmittal to the Federal Bureau of Investigation  
8 for a national criminal history records check;

9                                   (viii) In Harford County:

10                                  1. The Liquor Control Board shall:

11                                  A. Obtain criminal records of alcoholic beverages license  
12 applicants from the Criminal Justice Information System Central Repository of the  
13 Department of Public Safety and Correctional Services;

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

16                                  C. Forward the fingerprints through the Criminal Justice  
17 Information System Central Repository of the Department of Public Safety and  
18 Correctional Services for transmittal to the Federal Bureau of Investigation for a national  
19 criminal history records check; and

20                                  2. Applicants for license renewal may not be subject to these  
21 provisions.

22                                  (ix) In Carroll County:

23                                  1. The Board of License Commissioners shall:

24                                  A. Obtain criminal records of alcoholic beverages license  
25 applicants from the Criminal Justice Information System Central Repository of the  
26 Department of Public Safety and Correctional Services;

27                                  B. Require applicants for alcoholic beverages licenses in the  
28 County to be fingerprinted; and

29                                  C. Forward the fingerprints through the Criminal Justice  
30 Information System Central Repository of the Department of Public Safety and  
31 Correctional Services for transmittal to the Federal Bureau of Investigation for a national  
32 criminal history records check; and

33                                  2. Applicants for license renewal may not be subject to these  
34 provisions.

35                                  (14) A statement as to whether the applicant has ever held a license for the  
36 sale of alcoholic beverages, and if so, in what state and at what location therein;

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1 (15) A statement that no person except the applicant is in any way  
2 pecuniarily interested in said license or in the business to be conducted thereunder during  
3 the continuance of the license applied for, and a further statement that no manufacturer,  
4 brewer, distiller, or wholesaler, directly or indirectly, has any financial interest in the  
5 premises or business of the applicant and that the applicant will not thereafter convey or  
6 grant to any such manufacturer, brewer, distiller or wholesaler any such interest, except  
7 as otherwise permitted in this article; and that the applicant has at the time of making the  
8 application no indebtedness or other financial obligations and will not thereafter incur  
9 any such indebtedness or other financial obligation, directly or indirectly, to any  
10 manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic  
11 beverages;

12 (16) A statement that the applicant will, if granted a license, conform to all  
13 laws and regulations relating to the business in which the applicant proposes to engage;

14 (17) (i) A statement duly executed and acknowledged by the owner of the  
15 premises in which the business is to be conducted assenting to the granting of the license  
16 applied for, and authorizing the Comptroller, his duly authorized deputies, inspectors and  
17 clerks, the board of license commissioners of the county or city in which the place of  
18 business is located, its duly authorized agents and employees, any peace officer of that  
19 city or county, and any peace officer of any incorporated municipality in which the  
20 business is to be conducted, to inspect and search, without warrant, the premises upon  
21 which the business is to be conducted, and any and all parts of the building in which the  
22 business is to be conducted, at any and all hours.

23 (ii) In Montgomery County, a statement and acknowledgment is not  
24 required where the applicant for a license is the lessee of the entire building in which the  
25 business is to be conducted for the entire term of the license to be issued.

26 (iii) In Baltimore City, a statement and acknowledgment by the owner  
27 is not required when the applicant is applying for a license pursuant to § 9-204.1(d) of  
28 this article if the applicant files an affidavit that the applicant is the lessee of the premises  
29 and accompanies the affidavit with a copy of the executed lease;

30 (18) (i) A certificate signed by at least ten citizens who are owners of real  
31 estate and registered voters of the precinct in which the business is to be conducted,  
32 stating the length of time each has been acquainted with the applicant, or in the case of  
33 a corporation with the individuals making the application; that they have examined the  
34 application of the applicant and that they have good reason to believe that all the  
35 statements contained in this application are true, and that they are of the opinion that the  
36 applicant is a suitable person to obtain the license. The certificate must have a statement  
37 that the signers of it are familiar with the premises upon which the proposed business is  
38 to be conducted, and that they believe the premises are suitable for the conduct of the  
39 business of a retail dealer in alcoholic beverages.

40 (ii) In Baltimore County, persons who are owners of real estate and  
41 registered voters of Baltimore County and who reside within 1 mile of the premises for  
42 which a license is sought shall be those persons signing the certificate.

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1 (iii) In St. Mary's County, persons owning real estate within 5 miles of  
 2 the premises for which a license is sought shall be among those persons signing the  
 3 certificate.

4 (iv) This certificate is not necessary for applications filed in Dorchester  
 5 County, Prince George's County, Montgomery County and Anne Arundel County.

6 10-104.

7 (q) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
 8 IN Montgomery County the application for an alcoholic beverage license shall be  
 9 accompanied by clear and recent photographs of the applicant or applicants and the  
 10 person who will be actively in charge of the business to be conducted under the license. In  
 11 addition, the applicant or applicants and the person who will be actively in charge of the  
 12 business to be conducted under the license shall have their fingerprints taken. The  
 13 provisions of this subsection shall not apply to applications for special and temporary  
 14 licenses issued pursuant to § 7-101 of this article.

15 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE  
 16 DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL WHEN APPLYING FOR A  
 17 CLASS A BEER, WINE AND LIQUOR LICENSE UNDER § 6-101(Q) OF THIS ARTICLE.

18 10-506.

19 (E) (1) IN MONTGOMERY COUNTY, NOTWITHSTANDING ANY PROVISIONS  
 20 TO THE CONTRARY IN THIS ARTICLE, ON THE DEATH OF THE DIRECTOR OF THE  
 21 DEPARTMENT OF LIQUOR CONTROL HOLDING A CLASS A BEER, WINE AND LIQUOR  
 22 LICENSE FOR THE BENEFIT OF THE DEPARTMENT OF LIQUOR CONTROL UNDER §  
 23 6-101(Q) OF THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS SHALL ISSUE A  
 24 NEW LICENSE TO THE SUCCESSOR DIRECTOR OF THE DEPARTMENT OF LIQUOR  
 25 CONTROL WITHOUT THE NECESSITY OF A HEARING OR ANY FURTHER  
 26 PROCEEDINGS FOR THE BALANCE OF THE CURRENT LICENSE YEAR.

27 (2) ON THE EXPIRATION OF A LICENSE ISSUED UNDER PARAGRAPH (1)  
 28 OF THIS SUBSECTION, A RENEWAL LICENSE MAY BE ISSUED TO THE SUCCESSOR  
 29 DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL IN ACCORDANCE WITH §  
 30 10-301 OF THIS ARTICLE.

31 11-516.

32 (d) (1) The privileges conferred on a Class A (off-sale) beer [license and]  
 33 LICENSE, Class A (off-sale) beer and light wine [license] LICENSE, AND A CLASS A  
 34 (OFF-SALE) BEER, WINE AND LIQUOR LICENSE may be exercised from 6 a.m. to 1 a.m.  
 35 the day following for every day including Sunday.

36 (2) The privileges conferred on a Class B and Class D beer license and the  
 37 privileges conferred on a Class B and Class D beer and light wine license may be  
 38 exercised from 6 a.m. to 1 a.m. the day following for every day including Sunday for off  
 39 sale.

40 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 41 October 1, 1997.