

HOUSE BILL 785

Unofficial Copy  
A2

1998 Regular Session  
(8r2016)

**ENROLLED BILL**

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Delegate Edwards**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Garrett County - Alcoholic Beverages - Sales to Minors and Intoxicated**  
3 **Persons**

4 FOR the purpose of specifying that in Garrett County the granting of probation before  
5 judgment to a licensee or an employee of the licensee for violating the law  
6 against selling alcoholic beverages to a minor or intoxicated person does not bar  
7 the Board of License Commissioners from proceeding administratively against  
8 the licensee for the violation; requiring the Board of License Commissioners to  
9 adopt certain procedures governing certain administrative proceedings; and  
10 generally relating to the sale of alcoholic beverages to minors or intoxicated  
11 persons in Garrett County.

12 BY repealing and reenacting, without amendments,  
13 Article 2B - Alcoholic Beverages  
14 Section 12-108(a)  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 1997 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article 2B - Alcoholic Beverages  
3 Section 12-108(f)  
4 Annotated Code of Maryland  
5 (1996 Replacement Volume and 1997 Supplement)

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

8 **Article 2B - Alcoholic Beverages**

9 12-108.

10 (a) (1) A licensee licensed under this article, or any employee of the licensee,  
11 may not sell or furnish any alcoholic beverages at any time to a person under 21 years  
12 of age:

13 (i) For the underage person's own use or for the use of any other  
14 person; or

15 (ii) To any person who, at the time of the sale, or delivery, is visibly  
16 under the influence of any alcoholic beverage.

17 (2) Any licensee or any employee of the licensee who is charged with a  
18 violation of this subsection shall receive a summons to appear in court on a certain  
19 day to answer the charges placed against that person. The person charged may not be  
20 required to post bail bond pending trial in any court of this State.

21 (3) (i) A licensee or employee of the licensee violating any of the  
22 provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers  
23 the penalties provided by § 16-503 of this article.

24 (ii) A licensee or employee of the licensee who is charged with  
25 selling or furnishing any alcoholic beverages to a person under 21 years of age may  
26 not be found guilty of a violation of this subsection, if the person establishes to the  
27 satisfaction of the jury or the court sitting as a jury that the person used due caution  
28 to establish that the person under 21 years of age was not, in fact, a person under 21  
29 years of age if a nonresident of the State.

30 (iii) If the person is a resident of the State of Maryland, the licensee  
31 or employee of the licensee may accept, as proof of a person's age, the display of the  
32 person's driver's license or identification card as provided for in the Maryland Vehicle  
33 Law.

34 (iv) Except as otherwise provided in this section, if any licensee or  
35 employee of the licensee is found not guilty, or placed on probation without a verdict,  
36 of any alleged violation of this subsection, this finding operates as a complete bar to  
37 any proceeding by any alcoholic beverage law enforcement or licensing authorities  
38 against the licensee on account of the alleged violation.

- 1 (f) (1) This subsection applies in the following jurisdictions:
- 2 (i) Dorchester County;
- 3 (II) GARRETT COUNTY;
- 4 [(ii)] (III) Howard County; and
- 5 [(iii)] (IV) Montgomery County.
- 6 (2) The granting of probation before judgment to a licensee or employee
- 7 of the licensee for violating subsection (a) of this section does not bar the Board of
- 8 License Commissioners from proceeding administratively against the licensee for the
- 9 violation.

10 SECTION 2. AND BE IT FURTHER ENACTED, That, before taking any action

11 that may result in administrative sanctions or penalties under Article 2B, § 12-108(a)

12 and (f) of the Code, as enacted by Section 1 of this Act, the Board of License

13 Commissioners of Garrett County shall adopt procedures governing an administrative

14 proceeding before the Board, including an opportunity for an administrative hearing,

15 concerning violations under that section.

16 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take

17 effect October 1, 1998.