
By: **Montgomery County Delegation**
Introduced and read first time: February 8, 1999
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages - Class C Special Licenses**
3 **MC 914-99**

4 FOR the purpose of clarifying the authority of the Montgomery County Board of
5 License Commissioners to impose certain penalties on Class C special licensees
6 who violate alcoholic beverages laws; clarifying language; prohibiting the Board
7 from issuing to certain persons an alcoholic beverages license; prohibiting the
8 Board from issuing for certain premises a Class C special license; prohibiting
9 the Board from issuing to certain persons a Class C special license; providing for
10 the effective date of this Act; and generally relating to Class C special licenses in
11 Montgomery County.

12 BY repealing and reenacting, with amendments,
13 Article 2B - Alcoholic Beverages
14 Section 16-507(q)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 1998 Supplement)

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

19 **Article 2B - Alcoholic Beverages**

20 16-507.

21 (q) (1) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.

22 (2) [In Montgomery County, the] EXCEPT AS PROVIDED IN PARAGRAPH
23 (3) OF THIS SUBSECTION, THE Board of License Commissioners may, in lieu of
24 suspending or revoking an alcoholic beverages license for any cause for which the
25 Board is permitted but not required to suspend or revoke a license pursuant to §
26 10-401 of this article, impose a fine for any such violation[, subject to the following
27 conditions:

1 (i) The] IF THE Board determines that the public welfare and
2 morals would not be impaired by allowing the licensee to operate during the
3 suspension period and that payment of the fine will achieve the desired disciplinary
4 purposes.

5 [(ii) The fine assessed by the Board under this subsection shall not
6 exceed \$20,000 for each case.

7 (iii) All moneys collected under this subsection shall be deposited
8 into the general funds of Montgomery County.

9 (iv) The Board shall have promulgated such rules and regulations
10 as it deems necessary to carry out the purposes of this subsection.]

11 (3) (I) FOR A VIOLATION OF THIS ARTICLE BY A CURRENT OR FORMER
12 CLASS C SPECIAL LICENSEE UNDER § 7-101 OF THIS ARTICLE, THE BOARD MAY TAKE
13 ONLY ONE OF THE FOLLOWING ACTIONS:

14 1. IMPOSE A FINE NOT EXCEEDING \$20,000;

15 2. SUSPEND THE LICENSEE'S ELIGIBILITY TO RECEIVE A
16 CLASS C SPECIAL LICENSE; OR

17 3. REVOKE THE LICENSEE'S ELIGIBILITY TO RECEIVE A
18 CLASS C SPECIAL LICENSE.

19 (II) THE BOARD MAY NOT GRANT A LICENSE UNDER THIS ARTICLE
20 TO A FORMER CLASS C SPECIAL LICENSEE WHOSE LICENSE HAS BEEN REVOKED.

21 (III) THE BOARD MAY NOT GRANT A CLASS C SPECIAL LICENSE FOR
22 PREMISES WHERE A FORMER CLASS C SPECIAL LICENSE HAS BEEN REVOKED UNTIL
23 6 MONTHS AFTER THE DATE OF REVOCATION.

24 (IV) IF A CLASS C SPECIAL LICENSE HELD ON BEHALF OF A
25 CORPORATION, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION IS REVOKED, A
26 PERSON MAY NOT OBTAIN ANOTHER CLASS C SPECIAL LICENSE ON BEHALF OF THE
27 CORPORATION, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION FOR THE SAME
28 PREMISES UNTIL 6 MONTHS AFTER THE DATE OF REVOCATION.

29 (4) THE BOARD MAY IMPOSE A FINE UNDER THIS SUBSECTION NOT
30 EXCEEDING \$20,000 FOR EACH VIOLATION.

31 [(2)] (5) The Board, when it acts to impose a fine on the licensee or to
32 suspend or revoke the license pursuant to the provisions of § 10-401 of this article,
33 shall adopt a written resolution which shall contain a statement of the facts and
34 findings forming the basis for the decision, the vote of each member of the Board on
35 the decision, and information as to the procedures for appealing the decision. A copy of
36 the resolution shall be mailed or hand delivered to the licensee.

1 (6) ALL FUNDS COLLECTED UNDER THIS SUBSECTION SHALL BE
2 DEPOSITED INTO THE GENERAL FUNDS OF MONTGOMERY COUNTY.

3 (7) THE BOARD MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT
4 THIS SUBSECTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 June 1, 1999.