
By: **Senators Mitchell, Conway, and McFadden**
Introduced and read first time: January 24, 2001
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 23, 2001

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - Class LN License Commission to**
3 **Study the Impact of Extended Hours for Licensed Establishments on**
4 **Tourism in Baltimore City**

5 FOR the purpose of creating in Baltimore City a Class LN (Late Night) license;
6 authorizing the Board of Liquor License Commissioners to issue Class LN
7 licenses for certain licensed premises that are located in a certain zone; defining
8 the borders of the zone; specifying certain days and hours of sale for a premises
9 issued a Class LN license; establishing a certain closing time; specifying an
10 annual license fee; authorizing the Board of Liquor License Commissioners to
11 extend the zone under certain circumstances; establishing a certain age
12 restriction for persons entering or remaining on the licensed premises; providing
13 for certain penalties; providing for the termination of this Act; and generally
14 relating to Class LN alcoholic beverages licenses in Baltimore City a
15 Commission to Study the Impact of Extended Hours for Licensed
16 Establishments on Tourism in Baltimore City; providing for the membership,
17 chairman, duties, and staffing of the Commission; requiring the Commission to
18 issue a certain report with recommendations by a certain date; providing for the
19 termination of this Act; and generally relating to the Commission to Study the
20 Impact of Extended Hours for Licensed Establishments on Tourism in Baltimore
21 City.

22 ~~BY repealing and reenacting, with amendments,~~
23 ~~Article 2B—Alcoholic Beverages~~
24 ~~Section 11-303(b)~~
25 ~~Annotated Code of Maryland~~
26 ~~(1998 Replacement Volume and 2000 Supplement)~~

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

3 **Article 2B—Alcoholic Beverages**

4 ~~11-303.~~

5 (b) (1) ~~The hours during which the privileges conferred by a Class B beer,~~
6 ~~wine and liquor license may be exercised are from 6 a.m. to 2 a.m. on the following~~
7 ~~day.~~

8 (2) ~~In Annapolis the hours shall be as fixed by the Mayor, Counselor, and~~
9 ~~Aldermen of the City of Annapolis.~~

10 (3) ~~In Montgomery County, except as provided in § 11-516 of this article,~~
11 ~~the hours are from 9 a.m. on any day to 1 a.m. on the following day.~~

12 (4) ~~In the 47th alcoholic beverages district in Baltimore City, the hours~~
13 ~~for off-sales under a Class B beer, wine and liquor license for use in a restaurant are~~
14 ~~as provided for in § 6-201(d) of this article.~~

15 (5) (I) ~~THIS PARAGRAPH APPLIES ONLY TO BALTIMORE CITY.~~

16 (II) ~~THERE IS A CLASS LN (LATE NIGHT) (ON-SALE) LICENSE.~~

17 (III) ~~THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY ISSUE A~~
18 ~~CLASS LN LICENSE ONLY FOR A CLASS B OR CLASS B-D-7 LICENSED PREMISES THAT~~
19 ~~IS LOCATED IN A ZONE BOUNDED:~~

20 1. ~~ON THE NORTH, FROM THE 400 BLOCK OF WEST FRANKLIN~~
21 ~~STREET TO THE 300 BLOCK OF EAST FRANKLIN STREET;~~

22 2. ~~ON THE SOUTH, FROM THE 700 BLOCK OF EAST PRATT~~
23 ~~STREET TO THE 400 BLOCK OF WEST PRATT STREET;~~

24 3. ~~ON THE EAST, FROM THE 200 BLOCK OF PRESIDENT~~
25 ~~STREET TO THE 500 BLOCK OF NORTH GUILFORD AVENUE; AND~~

26 4. ~~ON THE WEST, FROM THE 200 BLOCK OF SOUTH EUTAW~~
27 ~~STREET TO THE 500 BLOCK OF NORTH EUTAW STREET.~~

28 (IV) ~~THE HOURS OF SALE FOR A PREMISES ISSUED A CLASS LN~~
29 ~~LICENSE ARE:~~

30 1. ~~FROM 6 A.M. FRIDAY TO 4 A.M. SATURDAY;~~

31 2. ~~FROM 6 A.M. SATURDAY TO 4 A.M. SUNDAY; AND~~

32 3. ~~FROM 6 A.M. SUNDAY TO 4 A.M. MONDAY.~~

1 (V) A LICENSED PREMISES MAY NOT REMAIN OPEN FOR ANY
2 PURPOSE FOR MORE THAN 1 HOUR AFTER THE HOURS AND DAYS FOR SALES SET
3 FORTH IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, EVEN THOUGH NO SALES ARE
4 MADE AFTER THE HOURS OF CLOSING.

5 (VI) A LICENSEE MAY NOT ALLOW A PERSON UNDER THE AGE OF 21
6 YEARS TO ENTER OR REMAIN IN AN AREA ON THE LICENSED PREMISES AFTER THE
7 LICENSEE, OR THE LICENSEE'S EMPLOYEE, KNEW OR SHOULD HAVE KNOWN THAT
8 THE PERSON WAS UNDER THE AGE OF 21 YEARS.

9 (VII) THE ANNUAL LICENSE FEE FOR A CLASS LN LICENSE IS THE
10 LESSER OF:

11 1. 10 TIMES THE ANNUAL FEE FOR THE UNDERLYING CLASS
12 B LICENSE OR CLASS B D 7 LICENSE ALREADY HELD BY THE LICENSEE; OR

13 2. \$20,000.

14 (VIII) THE BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL
15 EXTEND THE ZONE DESCRIBED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH TO
16 ENCOMPASS ANOTHER AREA IF:

17 1. 75% OR MORE OF PROPERTY OWNERS IN THE AREA SIGN A
18 PETITION IN FAVOR OF EXTENDING THE ZONE TO THEIR AREA; AND

19 2. THE PETITION IS VERIFIED AND SUBMITTED TO THE
20 BOARD OF LIQUOR LICENSE COMMISSIONERS.

21 (IX) A LICENSEE WHO IS CONVICTED OF A VIOLATION IN OR ON THE
22 LICENSED PREMISES OF ANY PROVISION OF THIS ARTICLE CONCERNING AN ILLEGAL
23 SALE OF ALCOHOLIC BEVERAGES IS SUBJECT TO LICENSE SUSPENSION OR
24 REVOCATION OF THE CLASS LN LICENSE AND TO A MINIMUM FINE OF:

25 1. \$1,000 FOR A FIRST OFFENSE; AND

26 2. SUBJECT TO SUBPARAGRAPH (X) OF THIS PARAGRAPH,
27 \$2,500 FOR A SECOND AND EACH SUBSEQUENT OFFENSE.

28 (X) A LICENSEE WHOSE FINES TOTAL NOT MORE THAN \$15,000
29 WITHIN 3 YEARS MAY NOT BE SUBJECT TO FURTHER FINES.

30 (XI) A LICENSEE WHO IS SUBJECT TO A FINE UNDER
31 SUBPARAGRAPH (IX) OF THIS PARAGRAPH IS NOT SUBJECT TO ANY OTHER FINE
32 ARISING FROM THE SAME VIOLATION.

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
34 MARYLAND, That:

35 (a) there is a Commission to Study the Impact of Extended Hours for Licensed
36 Establishments on Tourism in Baltimore City;

1 (b) the Commission shall study the impact that authorizing licensed alcoholic
2 beverages establishments to remain open during early morning hours would have on
3 tourism and the overall economy in Baltimore City;

4 (c) the Commission shall consist of the following 19 28 members:

5 (1) Senator Clarence W. Blount, Senator Thomas L. Bromwell, Senator
6 Joan Carter Conway, Senator George W. Della, Jr., Senator Barbara A. Hoffman,
7 Senator Ralph M. Hughes, Senator Delores G. Kelley, Senator Nathaniel J.
8 McFadden, Senator Clarence M. Mitchell, IV, and Senator Perry Sfikas;

9 (2) the Mayor of Baltimore City or the Mayor's designee;

10 (3) the President of the City Council of Baltimore City or the President's
11 designee;

12 (4) a representative of the Baltimore Area Convention and Visitors
13 Association;

14 (5) a representative of the Maryland Hotel and Motel Association;

15 (6) a representative of BUILD, Inc.;

16 (7) a representative of the Citizens Planning Housing Association;

17 (8) a representative of Westside Renaissance, Inc.;

18 (9) a representative of the Maryland State Licensed Beverage
19 Association;

20 (10) a representative of Downtown Partnership, Inc.; ~~and~~

21 (11) a member of the Board of Liquor License Commissioners for
22 Baltimore City;

23 (12) a representative of the Baltimore City Licensed Beverages
24 Association;

25 (13) a representative of the Maryland United Licensed Beverage
26 Association;

27 (14) a representative of the Korean-American Grocers and Licensed
28 Beverage Foundation of Maryland, Inc.;

29 (15) a representative of the City Wide Liquor Coalition;

30 (16) a representative of Mothers Against Drunk Driving;

31 (17) a representative of the President's Roundtable;

32 (18) a representative of the Greater Baltimore Committee; and

1 (19) a representative of the Baltimore City Police Department;

2 (d) the chairman of the Baltimore City Senate Delegation shall serve as
3 chairman of the Commission;

4 (e) the members of the Commission shall serve without compensation;

5 (f) the Commission shall be staffed by the Maryland Department of Business
6 and Economic Development; and

7 (g) the Commission, subject to § 2-1246 of the State Government Article, shall
8 issue a final report of its findings with legislative recommendations to the Baltimore
9 City Senate Delegation and the Mayor of Baltimore City on or before December 1,
10 2001.

11 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
12 ~~October 1, 2001. It shall remain effective for a period of 3 years and, at the end of~~
13 ~~September 30, 2004, with no further action required by the General Assembly, this~~
14 ~~Act shall be abrogated and of no further force and effect.~~

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 June 1, 2001. It shall remain in effect until December 1, 2001, and at the end of
17 December 1, 2001, with no further action required by the General Assembly, this Act
18 shall be abrogated and of no further force and effect.