

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 1087  
Economic Matters

(Delegate Eckardt)

Education, Health, and Environmental  
Affairs

---

**Caroline County - Alcoholic Beverages - Sales to Underage Drinkers and  
Intoxicated Persons**

---

This bill authorizes the Caroline County Board of License Commissioners to pursue administrative proceedings against a licensee or employee of a licensee who was found not guilty of violating prohibitions on the sale of alcoholic beverages to a person under 21 years of age or a person who is visibly under the influence of alcoholic beverages. The bill also exempts Caroline County from the counties in which a person charged with these offenses: (1) may not be required to post bail bond pending trial; and (2) if charged with selling alcoholic beverages to an underage person who is a nonresident of the State, may not be found guilty if the person satisfies the court or jury that the person used due caution to establish that the buyer was not underage.

The bill is effective July 1, 2002.

---

**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Any additional hearings required by the bill could be handled with existing resources of the Board of License Commissioners. Any revenue from additional fines is assumed to be minimal.

**Small Business Effect:** Potential meaningful.

---

## Analysis

**Current Law:** The Caroline County Board of License Commissioners is barred from proceeding administratively against an alcoholic beverages licensee or an employee of the licensee who has been found not guilty for violating the law against selling alcoholic beverages to a minor or intoxicated person.

An alcoholic beverages licensee, or an employee of a licensee, may not sell alcoholic beverages to: (1) a person under 21 years of age for the underage person's own use or for the use of another person; or (2) a person who, at the time of sale or delivery, is visibly under the influence of alcoholic beverages. A person who violates these prohibitions is: (1) in a criminal proceeding before a court, guilty of a misdemeanor and subject to a fine not exceeding \$1,000 or imprisonment not exceeding two years, or both; and (2) in an administrative proceeding before the Caroline County Board of License Commissioners subject to a fine not exceeding \$2,500 or a suspension or revocation of the license.

In general, a person: (1) charged with violating these prohibitions will receive a summons to appear in court and may not be required to post bail bond pending trial; (2) may accept a Maryland driver's license as proof of a person's age; (3) may not be found guilty of violating these prohibitions if the person used due caution to establish that a nonresident buyer was not underage; and (4) if found not guilty or placed on probation before judgement for violating these prohibitions, may not be subject to administrative proceedings by a local board of license commissioners for these offenses.

**Small Business Effect:** A small business licensee or the employee of a small business licensee could be subjected to a hearing by the Caroline County Board of License Commissioners for violations of the law against selling alcoholic beverages to a minor or an intoxicated person. If the board determines that a penalty is necessary, the board could: (1) suspend the license; (2) fine the licensee; (3) suspend the license and fine the licensee; or (4) permanently revoke the license.

---

## Additional Information

**Prior Introductions:** A similar bill was introduced in the 2001 session as SB 553. The bill passed the Senate, but received an unfavorable report from the House Economic Matters Committee.

**Cross File:** None.

**Information Source(s):** Caroline County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2002  
lc/hlb

---

Analysis by: Christopher J. Kelter

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510