

HOUSE BILL 778

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A2

2004 Regular Session
(41r1919)

ENROLLED BILL

-- Economic Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegates Cane, Bozman, Conway, Eckardt, Elmore, and Haddaway**

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 **Wicomico County - ~~Catering License~~ Alcoholic Beverages - ~~Class B Beer and~~
3 **Light Wine Licensees Licenses and Open Containers****

4 FOR the purpose of authorizing the Wicomico County Board of License
5 Commissioners to issue a caterer's license for a certain fee to ~~the~~ a holder of a
6 Class B restaurant or hotel (on-sale) beer and light wine license; authorizing a
7 holder of a Class B beer and light wine catering license to provide beer and light
8 wine at certain events off the Class B licensed premises; establishing the hours
9 and days for sale for a Class B beer and light wine catering license; requiring
10 that a holder of a Class B beer and light wine catering license serve food at a
11 catered event; clarifying that a catering license is not required for catering on
12 Class B beer and light wine licensed premises; authorizing the Board to issue a
13 special beer festival license for participation in a beer festival on nonlicensed
14 premises in the county; specifying the qualifications, scope, fee, and time
15 restrictions for a special beer festival license; requiring that the products to be
16 displayed and sold by a special beer festival license holder be of a certain type;

1 authorizing the Board to adopt certain regulations and to designate the number
 2 of times that a special beer festival license may be issued; providing that a special
 3 beer festival license holder is not prohibited from holding another alcoholic
 4 beverages license; specifying that certain licenses issued in the county are not
 5 subject to certain writs or a distraint for rent; prohibiting a person from
 6 possessing an alcoholic beverage in an open container while in certain areas in
 7 Wicomico County unless authorized; making a stylistic change changes; making
 8 a technical correction; and generally relating to a Class B beer and light wine
 9 catering license alcoholic beverages in Wicomico County.

10 BY repealing and reenacting, with amendments,
 11 Article 2B - Alcoholic Beverages
 12 Section 6-709, 10-501(a), and 19-301 through 19-303
 13 Annotated Code of Maryland
 14 (2001 Replacement Volume and 2003 Supplement)

15 BY adding to
 16 Article 2B - Alcoholic Beverages
 17 Section 8-804 and 10-501(f)
 18 Annotated Code of Maryland
 19 (2001 Replacement Volume and 2003 Supplement)

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

22 **Article 2B - Alcoholic Beverages**

23 6-709.

- 24 (a) (1) This section applies only in Wicomico County.
- 25 (2) In this section, "Board" means the Board of License Commissioners.
- 26 (b) The annual license fee is \$550.
- 27 (c) (1) The Board may issue a caterer's license.
- 28 (2) If a caterer's license is issued, it shall only be issued to a holder of
 29 [a]:
- 30 (I) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND LIGHT
 31 WINE LICENSE; OR
- 32 (II) A Class B restaurant or hotel (on-sale) beer, wine and liquor
 33 license.
- 34 (d) A caterer's license issued under this section authorizes [the holder]:

1 (1) THE HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE TO
2 PROVIDE BEER AND LIGHT WINE AT EVENTS THAT ARE HELD OFF THE CLASS B
3 RESTAURANT OR HOTEL (ON-SALE) BEER AND LIGHT WINE LICENSED PREMISES;
4 AND

5 (2) THE HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE to
6 provide alcoholic beverages at events that are held off the Class B restaurant or hotel
7 (on-sale) beer, wine and liquor [license] LICENSED premises.

8 (e) The holder shall provide food as well as alcoholic beverages for
9 consumption at the catered event.

10 (f) A holder may exercise the privileges under this license only during the
11 hours and days that are [permitted in] ALLOWED UNDER this article for [a Class B
12 restaurant or hotel (on-sale) beer, wine and liquor license] THE UNDERLYING CLASS
13 B LICENSE.

14 (g) This section does not require a holder of an existing CLASS B RESTAURANT
15 OR HOTEL (ON-SALE) BEER AND LIGHT WINE LICENSE OR A Class B restaurant or
16 hotel (on-sale) beer, wine and liquor license to have a caterer's license for catering on
17 the premises that is covered by the Class B license.

18 8-804.

19 (A) IN THIS SECTION, "BOARD" MEANS THE WICOMICO COUNTY BOARD OF
20 LICENSE COMMISSIONERS.

21 (B) THIS SECTION APPLIES ONLY IN WICOMICO COUNTY.

22 (C) (1) THE BOARD MAY ISSUE A SPECIAL BEER FESTIVAL LICENSE.

23 (2) A SPECIAL BEER FESTIVAL LICENSE MAY BE USED ONLY AT A BEER
24 FESTIVAL HELD ON NONLICENSED PREMISES LOCATED IN WICOMICO COUNTY.

25 (D) (1) NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE, AN
26 APPLICANT FOR A SPECIAL BEER FESTIVAL LICENSE SHALL BE THE HOLDER OF AN
27 EXISTING CLASS 5 BREWERY, CLASS 6 PUB-BREWERY, OR CLASS 7 MICRO-BREWERY
28 MANUFACTURER'S LICENSE ISSUED UNDER THIS ARTICLE.

29 (2) EACH MANUFACTURER THAT PARTICIPATES IN THE BEER FESTIVAL
30 SHALL OBTAIN A SPECIAL BEER FESTIVAL LICENSE.

31 (E) A SPECIAL BEER FESTIVAL LICENSEE MAY DISPLAY AND SELL BEER AT
32 RETAIL FOR CONSUMPTION ON THE LICENSED FESTIVAL PREMISES ONLY ON THE
33 HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.

34 (F) THE PRODUCTS DISPLAYED AND SOLD BY A SPECIAL BEER FESTIVAL
35 LICENSEE SHALL BE PRODUCTS OWNED AND MANUFACTURED BY THE LICENSEE.

1 (G) THIS SECTION DOES NOT PROHIBIT A SPECIAL BEER FESTIVAL LICENSEE
2 FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS
3 OR NATURE.

4 (H) THE LICENSE FEE IS \$50 PER DAY.

5 (I) EACH SPECIAL BEER FESTIVAL LICENSE MAY BE IN EFFECT FOR A PERIOD
6 NOT EXCEEDING 3 DAYS.

7 (J) THE BOARD MAY:

8 (1) ADOPT REGULATIONS TO IMPLEMENT THIS SECTION; AND

9 (2) DESIGNATE THE NUMBER OF TIMES DURING A CALENDAR YEAR
10 THAT A SPECIAL BEER FESTIVAL LICENSE MAY BE ISSUED.

11 10-501.

12 (a) [Licenses] EXCEPT AS OTHERWISE PROVIDED UNDER THIS SECTION,
13 LICENSES issued under provisions of this article shall not be regarded as property or
14 as conferring any property rights. All such licenses shall be subject to suspension,
15 restriction or revocation, and to all rules and regulations that may be adopted as
16 herein provided.

17 (F) IN WICOMICO COUNTY, LICENSES ISSUED UNDER THIS ARTICLE ARE NOT
18 SUBJECT TO WRITS OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSEE OR A
19 DISTRAINT FOR RENT.

20 19-301.

21 (a) (1) This definition applies only in the following jurisdictions:

22 (i) Caroline County;

23 (ii) Carroll County;

24 (iii) Dorchester County;

25 (iv) Harford County; [and]

26 (v) Montgomery County; AND

27 (VI) WICOMICO COUNTY.

28 (2) In this section "unless authorized" means the possession and
29 presentation of a written consent by the owner of the property.

30 (b) A person may not possess in an open container any alcoholic beverage, as
31 defined in this article, while:

1 (1) On the mall, adjacent parking area, or other outside area of any
2 combination of privately owned retail establishments, commonly known as a shopping
3 center, to which the general public is invited for business purposes, unless authorized
4 by the owner of the establishment;

5 (2) On an adjacent parking area or other outside area of any other retail
6 establishment, unless authorized by the owner of the establishment; or

7 (3) In any parked vehicle located on any of the places enumerated in this
8 section, unless authorized.

9 19-302.

10 Any person who violates the provisions of this [subheading] SUBTITLE is guilty
11 of a misdemeanor and upon conviction is subject to a fine not exceeding \$100.

12 19-303.

13 This [subheading] SUBTITLE applies only in the following counties:

14 (1) Allegany County;

15 (2) Baltimore County, including motorcycles located on any of the places
16 enumerated in § 19-301 of this [subheading] SUBTITLE, unless authorized;

17 (3) Calvert County;

18 (4) Carroll County, including motorcycles located on any of the places
19 enumerated in § 19-301 of this [subheading] SUBTITLE, unless authorized;

20 (5) Cecil County;

21 (6) Charles County;

22 (7) Dorchester County;

23 (8) Frederick County;

24 (9) Garrett County;

25 (10) Harford County;

26 (11) Howard County;

27 (12) Montgomery County;

28 (13) St. Mary's County; [and]

29 (14) Somerset County; AND

30 (15) WICOMICO COUNTY.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2004.