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By: **Harford County Senators**
Introduced and read first time: January 28, 2004
Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2   **Harford County - Alcoholic Beverages Licenses - Transfers**

3 FOR the purpose of altering the criteria required to be used by the Harford County
4   Liquor Control Board when transferring an alcoholic beverages license for use in
5   a business; and generally relating to alcoholic beverages licenses in Harford
6   County.

7 BY repealing and reenacting, without amendments,
8   Article 2B - Alcoholic Beverages
9   Section 10-503(a)
10   Annotated Code of Maryland
11   (2001 Replacement Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,
13   Article 2B - Alcoholic Beverages
14   Section 10-503(n)
15   Annotated Code of Maryland
16   (2001 Replacement Volume and 2003 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 10-503.

21   (a)   (1)   In this section, "board" means the board of license commissioners or
22 liquor control board, as the case may be, of the county or Baltimore City.

23   (2)   Any holder of a license under this article, including a receiver or
24 trustee for the benefit of creditors, may be permitted to transfer the holder's place of
25 business to some other location or sell or assign the license and transfer the holder's
26 stock in trade to another person, but only if:

27   (i)   An application for the transfer or sale has been made;

1   (ii)   All retail sales, amusement, admission, and withholding taxes
2   have been paid to the Comptroller of the Treasury of the State;

3   (iii)   A bulk transfer permit is obtained if the stock of alcoholic
4   beverages is to be transferred whether by sale, gift, inheritance, assignment, or
5   otherwise, and irrespective of whether or not consideration is paid; and

6   (iv)   The new location or assignee is approved by the board as in the
7   case of an original application for such a license under § 10-202 of this title.

8   (3)   A transfer or assignment, when made, shall be endorsed upon the
9   license by the license issuing authority upon payment of a fee of $20 in addition to the
10 costs of publication and notice, which shall be paid to the local collecting agent at the
11 time of the filing of the application for the transfer or sale. This section permits the
12 transfer of location and the assignment of license in the same application.

13   (4)   A board may not permit the transfer of an alcoholic beverages license
14 until the transferor has complied with the Bulk Transfers Act, Commercial Law
15 Article, Title 6, and has certified such compliance, by affidavit, to the board.

16   (5)   The provisions of this section apply in every county and in Baltimore
17 City, unless otherwise provided in this section.

18   (n)   (1)   This subsection applies only in Harford County.

19   (2)   The Board:

20   (i)   May not transfer the location or ownership of any alcoholic
21 beverages license of any class for the use in a business that is intended to be operated
22 as a drive-through purchase facility where alcoholic beverages are to be sold at retail
23 and dispensed through a window or door to a purchaser in or on a motor vehicle for
24 off-premises consumption; or

25   (ii)   May not transfer the location or ownership of any off-sale
26 alcoholic beverages license of any class with the privilege of operating the premises as
27 a drive-through purchase facility.

28   (3)   (i)   The Board shall transfer an alcoholic beverages license that is
29 issued for use in a business if:

30   1.   The business is sold to a different owner; AND

31   2.   [The location remains the same;

32   3.   The license has been held by the transferor for a period of
33 15 years prior to the date of application for transfer;

34   4.   There have been no violations within 3 years prior to the
35 date of application for transfer; and

36   5.]   The new owner qualifies as a licensee under this article.

1   (ii)   1.   The Board may set a charge for the transfer of a license
2 under this paragraph, which may not exceed the administration cost for processing
3 the transfer.

4   2.   If a license is transferred under this paragraph before its
5 expiration date, the Board shall permit the transferee to operate under the license
6 until the license expiration date without additional charge except for the charge
7 provided for under item 1 of this subparagraph.

8   3.   If a license is transferred under this paragraph on its
9 expiration date, the charge for the transfer is the same as the fee for the issuance of
10 the license.

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