
By: **Delegates Cane, Bozman, Conway, Eckardt, Elmore, and Haddaway**

Introduced and read first time: January 30, 2006

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 24, 2006

CHAPTER_____

1 AN ACT concerning

2 **Wicomico County - Alcoholic Beverages Licensees - Administrative**
3 **Proceedings**

4 FOR the purpose of adding Wicomico County to the list of counties in which the
5 granting of probation before judgment to an alcoholic beverages licensee for
6 selling or furnishing alcoholic beverages to an underaged individual does not bar
7 the board of license commissioners from proceeding administratively against the
8 licensee for the violation; and generally relating to alcoholic beverages licensees
9 in Wicomico County.

10 BY repealing and reenacting, without amendments,
11 Article 2B - Alcoholic Beverages
12 Section 12-108(a)
13 Annotated Code of Maryland
14 (2005 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article 2B - Alcoholic Beverages
17 Section 12-108(f)
18 Annotated Code of Maryland
19 (2005 Replacement Volume)

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

1

Article 2B - Alcoholic Beverages

2 12-108.

3 (a) (1) A licensee licensed under this article, or any employee of the licensee,
4 may not sell or furnish any alcoholic beverages at any time to a person under 21 years
5 of age:

6 (i) For the underage person's own use or for the use of any other
7 person; or

8 (ii) To any person who, at the time of the sale, or delivery, is visibly
9 under the influence of any alcoholic beverage.

10 (2) Any licensee or any employee of the licensee who is charged with a
11 violation of this subsection shall receive a summons to appear in court on a certain
12 day to answer the charges placed against that person. The person charged may not be
13 required to post bail bond pending trial in any court of this State.

14 (3) (i) A licensee or employee of the licensee violating any of the
15 provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers
16 the penalties provided by § 16-503 of this article.

17 (ii) A licensee or employee of the licensee who is charged with
18 selling or furnishing any alcoholic beverages to a person under 21 years of age may
19 not be found guilty of a violation of this subsection, if the person establishes to the
20 satisfaction of the jury or the court sitting as a jury that the person used due caution
21 to establish that the person under 21 years of age was not, in fact, a person under 21
22 years of age if a nonresident of the State.

23 (iii) If the person is a resident of the State of Maryland, the licensee
24 or employee of the licensee may accept, as proof of a person's age, the display of the
25 person's driver's license or identification card as provided for in the Maryland Vehicle
26 Law.

27 (iv) Except as otherwise provided in this section, if any licensee or
28 employee of the licensee is found not guilty, or placed on probation without a verdict,
29 of any alleged violation of this subsection, this finding operates as a complete bar to
30 any proceeding by any alcoholic beverage law enforcement or licensing authorities
31 against the licensee on account of the alleged violation.

32 (f) (1) This subsection applies in the following jurisdictions:

33 (i) Cecil County;

34 (ii) Dorchester County;

35 (iii) Garrett County;

36 (iv) Howard County;

- 1 (v) Kent County;
- 2 (vi) Montgomery County; [and]
- 3 (vii) St. Mary's County; AND
- 4 (VIII) WICOMICO COUNTY.

5 (2) The granting of probation before judgment to a licensee or employee
6 of the licensee for violating subsection (a) of this section does not bar the Board of
7 License Commissioners from proceeding administratively against the licensee for the
8 violation.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 June 1, 2006.