

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 517

(Delegate Love, *et al.*)

Economic Matters

Education, Health, and Environmental Affairs

Alcoholic Beverages - Removal of a Partially Consumed Bottle of Wine from a
Licensed Premises

This bill permits a person to remove a partially consumed bottle of wine that the person purchased for consumption with a meal from a licensed premises, provided that the licensee or its employee inserts a cork in or places a cap on the bottle. A partially consumed bottle of wine removed from the licensed premises is considered to be an open container for purposes of a specified provision of law concerning possession of alcohol in a motor vehicle.

The bill takes effect July 1, 2006.

Fiscal Summary

State Effect: None.

Local Effect: Potential minimal increase in monitoring expenses for local jurisdictions; however, the impact would vary by jurisdiction. No effect on revenues.

Small Business Effect: Potential minimal.

Analysis

Current Law: Generally, patrons may not remove alcoholic beverages purchased from a licensed establishment not having off-sale privilege.

An “open container” means a bottle, can, or other receptacle (1) that is open; (2) that has a broken seal; or (3) from which the contents are partially removed. With some

exceptions, generally an occupant of a motor vehicle may neither possess an open container that contains any amount of alcoholic beverage nor consume an alcoholic beverage in a passenger area of a motor vehicle on a highway.

“Passenger area” means an area that is designed to seat the driver and any passenger of a motor vehicle while the motor vehicle is in operation; or is readily accessible to the driver or a passenger of a motor vehicle while in their seating positions. Passenger area does not include (1) a locked glove compartment; (2) the trunk of a motor vehicle; or (3) if the motor vehicle does not have a trunk, the area behind the rearmost upright seat or an area that is not normally occupied by the driver or passenger.

“Highway” means the entire width of any way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the thoroughfare has been dedicated to the public and accepted by any proper authority.

Local Fiscal Effect: The precise fiscal impact of this bill would depend on the number of patrons who remove partially consumed bottles of wine from a restaurant, as well as the monitoring and enforcement capacity of the local jurisdiction, neither of which can be reliably quantified at this time. In any event, the impact is likely to vary by jurisdiction. For example, Montgomery County advises that the bill would not likely impact county finances. Harford County, on the other hand, advises the bill’s provisions may increase expenditures associated with monitoring of the licenses. While it is difficult to predict the precise impact on the county, Harford County advises that it assumes that the fiscal impact would likely range from \$2,000 to \$10,000 annually for additional monitoring expenses.

Additional Information

Prior Introductions: None.

Cross File: SB 280 (Senator Ruben, *et al.*) – Education, Health, and Environmental Affairs.

Information Source(s): Cecil County, Montgomery County, Prince George’s County, Harford County, Comptroller’s Office, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2006
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