

SENATE BILL 1036

A2

EMERGENCY BILL

71r3443

By: **Senators DeGrange and Astle**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 27, 2007

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Immediate Suspension of**
3 **Licenses**

4 FOR the purpose of authorizing the Board of License Commissioners for Anne Arundel
5 County to suspend a license immediately for a violation of the alcoholic
6 beverages law; requiring that the suspension be in effect a certain amount of
7 time; specifying that an appeal does not stay the order of the Board suspending
8 a license; making certain technical and stylistic changes; making this Act an
9 emergency measure; and generally relating to the Board of License
10 Commissioners for Anne Arundel County.

11 BY repealing and reenacting, without amendments,
12 Article 2B – Alcoholic Beverages
13 Section 10–401(a)(2)
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2006 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 10–401(a)(3), 10–403(a), and 15–112(c)(1)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article 2B – Alcoholic Beverages
3 Section 15–112(c)(6)
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2006 Supplement)

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

8 **Article 2B – Alcoholic Beverages**
9 10–401.

10 (a) (2) Any license or permit issued under the provisions of this article
11 may be revoked or suspended by the issuing authority for any cause which in the
12 judgment of the official, court or board, is necessary to promote the peace or safety of
13 the community in which the place of business is situated.

14 (3) The license or permit must be revoked or suspended, except as
15 provided in § 10–402 of this subtitle **OR § 15–112(C)(6) OR (P) OF THIS ARTICLE**, for
16 the following causes:

17 (i) Conviction of the licensee or permittee for violation of any of
18 the provisions of the Tax – General Article that relate to the alcoholic beverage tax or
19 the provisions of this article;

20 (ii) Willful failure or refusal of any licensee or permittee to
21 comply with the provisions of the Tax – General Article that relate to the alcoholic
22 beverage tax or any provisions of this article, or any rule or regulation that may be
23 adopted in pursuance of this article or the provisions of the Tax – General Article that
24 relate to the alcoholic beverage tax;

25 (iii) Making of any material false statement in any application
26 for a license or permit;

27 (iv) Two or more convictions of one or more of the clerks, agents,
28 employees and servants of a licensee or permittee under the provisions of this article
29 or the provisions of the Tax – General Article that relate to the alcoholic beverage tax
30 of any violation on the premises subject to the license or permit, within a period of two
31 years;

32 (v) Possession upon the premises of any retail dealer other than
33 the holder of a Class E, Class F or Class G license of any alcoholic beverage upon
34 which the tax imposed by § 5–102 of the Tax – General Article has not been paid;

- 1 (vi) Violation of the provisions of § 12–104 of this article;
- 2 (vii) Willful failure of any licensee or permittee to keep the
3 records required by this article or the provisions of the Tax – General Article that
4 relate to the alcoholic beverage tax or to allow any inspections of such records by a
5 duly authorized person;
- 6 (viii) Possession of any alcoholic beverage which any licensee or
7 permittee other than the holder of a Class E, Class F or Class G license is not licensed
8 to sell;
- 9 (ix) Suspension or revocation of a permit issued to any licensee
10 or permittee by the Federal Bureau of Alcohol, Tobacco and Firearms or for conviction
11 of violating any federal laws relating to alcoholic beverages; and
- 12 (x) Failure to furnish bond as required by this article within
13 fifteen days after notice from the Comptroller.

14 10–403.

15 (a) (1) The Comptroller or the Board of License Commissioners for any
16 county or Baltimore City, as the case may be, may on its own initiative or upon the
17 written complaint of ten or more citizens, residents, real estate owners and voters of
18 the precinct in which any licensed place of business is situated or upon the complaint
19 of any deputy or inspector employed by the Comptroller in the administration of this
20 law, or any peace officer, or if the licensee is located within the corporate limits of any
21 municipality, which is within a county, upon complaint of the mayor and council of
22 that municipality, after a hearing upon charges to be framed by the officer or Board, or
23 upon the complaint, notice of which shall be given to the licensee at least ten days
24 before the hearing, revoke or suspend any license issued under the provisions of this
25 article.

26 (2) Nothing contained in this section shall prevent the immediate
27 suspension of any license by:

28 (I) [the] **THE** Comptroller [as provided,];

29 (II) **THE BOARD OF LICENSE COMMISSIONERS FOR ANNE**
30 **ARUNDEL COUNTY, UNDER § 15–112 (c)(6) OF THIS ARTICLE; OR**

31 (III) [nor in] **THE BOARD OF LICENSE COMMISSIONERS OF**
32 **Kent County, [the remedies provided in] UNDER § 15–112(p) of this article.**

1 15-112.

2 (c) (1) (I) This subsection applies only in Anne Arundel County.

3 (II) Except for paragraph (2) of this subsection, it does not apply
4 in the City of Annapolis.

5 (6) (I) **THE BOARD OF LICENSE COMMISSIONERS MAY**
6 **SUSPEND IMMEDIATELY AN ALCOHOLIC BEVERAGES LICENSE FOR ANY**
7 **VIOLATION OF THIS ARTICLE, FOR NOT LESS THAN 15 DAYS AND NOT**
8 **EXCEEDING 90 DAYS.**

9 (II) **AN APPEAL DOES NOT STAY THE ORDER OF THE BOARD**
10 **SUSPENDING A LICENSE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
12 measure, is necessary for the immediate preservation of the public health or safety,
13 has been passed by a ye and nay vote supported by three-fifths of all the members
14 elected to each of the two Houses of the General Assembly, and shall take effect from
15 the date it is enacted.