

CHAPTER 214

(Senate Bill 998)

AN ACT concerning

Baltimore County – Alcoholic Beverages – Multiple License Holdings

FOR the purpose of increasing the number of certain Class B licenses for hotels and restaurants in Baltimore County that a single person may obtain under certain circumstances; providing that a person may have a direct or indirect interest in a license; specifying certain circumstances that evidence an indirect interest; authorizing the issuance of an additional license to a license holder under certain circumstances; increasing the number of licenses that a single person may obtain for hotels and restaurants in the Liberty Road Commercial Revitalization District in the county; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(b–3B) and (b–3C)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Article 2B – Alcoholic Beverages

9–102.

(b–3B) (1) Notwithstanding any other provision of this section or § 8–204(1) of this article, in Baltimore County, an individual[, for the use of] **OR** a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county, may obtain [an additional Class B license up to a total of four] **A DIRECT OR INDIRECT INTEREST IN:**

(I) NOT MORE THAN SIX Class B (on–sale — hotels and restaurants) beer, wine and liquor licenses under this article; **OR**

(II) IF ONE OF THE RESTAURANTS FOR WHICH A LICENSE IS ISSUED IS LOCATED IN THE LIBERTY ROAD COMMERCIAL REVITALIZATION DISTRICT IN ACCORDANCE WITH SUBSECTION (B-3C) OF THIS SECTION, NOT MORE THAN SEVEN CLASS B (ON-SALE — HOTELS AND RESTAURANTS) BEER, WINE AND LIQUOR LICENSES UNDER THIS ARTICLE.

(2) FOR AN APPLICANT TO OBTAIN A LICENSE UNDER THIS SUBSECTION:

(I) THE APPLICANT SHALL APPLY[, by making application] in the regular manner and [paying] **PAY** the usual fee; **AND**

(II) [if the] THE restaurants for which the licenses are sought **SHALL:**

[(i)] 1. Meet the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

[(ii)] 2. Meet the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

[(iii)] 3. Have a minimum seating capacity of 190 persons for dining;

[(iv)] 4. Have a cocktail lounge or bar area seating capacity that does not exceed [10 percent] **10%** of the seating capacity for dining; and

[(v)] 5. Have no more than [20 percent] **20%** of sales in alcoholic beverages in connection with the business.

(3) AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN TWO INDIVIDUALS, CORPORATIONS, LIMITED LIABILITY COMPANIES, PARTNERSHIPS, LIMITED PARTNERSHIPS, JOINT VENTURES, ASSOCIATIONS, OR OTHER COMBINATION OF PERSONS, IF THEY:

(I) HAVE A COMMON PARENT COMPANY;

(II) ARE PARTIES TO A FRANCHISE AGREEMENT, LICENSING AGREEMENT, OR CONCESSION AGREEMENT;

(III) ARE PART OF A CHAIN OF BUSINESSES THAT IS COMMONLY OWNED AND OPERATED;

(IV) SHARE A DIRECTOR, STOCKHOLDER, PARTNER, OR MEMBER;

(V) SHARE A DIRECTOR, STOCKHOLDER, PARTNER, OR MEMBER OF A PARENT OR SUBSIDIARY;

(VI) SHARE, DIRECTLY OR INDIRECTLY, PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR

(VII) SHARE A TRADE NAME, TRADEMARK, LOGO OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.

[(2)] (4) Off-sale privileges may not be conferred by these licenses.

[(3)] (5) (I) [Nothing] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, NOTHING contained in this section may be construed to authorize the issuance of more than **[four] SIX** licenses to an individual **[for the use of] OR** a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county under this article, including Class B (on-sale — hotels and restaurants), Class B (SB) restaurant — service bar beer, wine and liquor (on-sale), Class B (TTC) restaurant beer, wine and liquor (on-sale), and Class BDR (deluxe restaurant) (on-sale) beer, wine and liquor licenses.

(II) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SEVENTH LICENSE TO A PERSON IF THE LICENSE IS FOR A RESTAURANT LOCATED IN THE LIBERTY ROAD COMMERCIAL REVITALIZATION DISTRICT IN ACCORDANCE WITH SUBSECTION (B-3C) OF THIS SECTION.

(b-3C)(1) Notwithstanding any other provision of this section or § 8-204(1) of this article, in Baltimore County, an individual**[, for the use of] OR** a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county, may obtain **[an additional Class B license up to a total of five] A DIRECT OR INDIRECT INTEREST IN NOT MORE THAN SEVEN** Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article, by

making application in the regular manner and paying the usual fee if the restaurant for which the additional license is sought:

- (i) Meets the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;
- (ii) Meets the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;
- (iii) Has a minimum seating capacity of 190 persons for dining;
- (iv) Has a cocktail lounge or bar area seating capacity that does not exceed [10 percent] **10%** of the seating capacity for dining;
- (v) Has no more than [20 percent] **20%** of sales in alcoholic beverages in connection with the business; and
- (vi) Is located in the Liberty Road Commercial Revitalization District as defined by the County Council on October 18, 1999.

(2) AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN TWO INDIVIDUALS, CORPORATIONS, LIMITED LIABILITY COMPANIES, PARTNERSHIPS, LIMITED PARTNERSHIPS, JOINT VENTURES, ASSOCIATIONS, OR OTHER COMBINATION OF PERSONS, IF AT LEAST ONE OF THE CONDITIONS LISTED IN SUBSECTION (B-3B)(3) OF THIS SECTION IS PRESENT.

[(2)](3) Off-sale privileges may not be conferred by these licenses.

[(3)](4) Nothing contained in this section may be construed to authorize the issuance of more than [five] **SEVEN** licenses [to] **FOR** an individual [for the use of] **OR** a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county under this article, including Class B (hotels and restaurants) beer, wine and liquor (on-sale) licenses, Class B (SB) (restaurant — service bar) beer, wine and liquor (on-sale) licenses, Class B (TTC) (restaurant) beer, wine and liquor (on-sale) licenses, Class B (OMTC) licenses, Class B (TRD) licenses, and Class BDR (deluxe restaurant) beer, wine and liquor (on-sale) licenses.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2007.

Approved by the Governor, April 24, 2007.