

# HOUSE BILL 633

A2

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CF SB 55

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By: **Calvert County Delegation**

Introduced and read first time: February 1, 2008

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Calvert County – Alcoholic Beverages**

3 FOR the purpose of altering certain alcoholic beverages license fees in Calvert County;  
4 ~~imposing certain requirements for restaurants in the county for which certain~~  
5 ~~Class B licenses have been issued~~; creating a special beer and wine tasting  
6 license in the county; providing for an annual fee, application procedures, and  
7 certain requirements for the license; specifying certain conditions under which a  
8 protest to a renewal of an alcoholic beverages license in the county may occur;  
9 altering the time during which a penalty may be imposed for late renewal of an  
10 alcoholic beverages license in the county; imposing a certain fine for the sale of  
11 alcoholic beverages to an underage individual in the county; altering the  
12 salaries for the chairman, members, and alternate member of the Calvert  
13 County Board of License Commissioners; making certain stylistic changes; and  
14 generally relating to alcoholic beverages in Calvert County.

15 BY repealing and reenacting, without amendments,  
16 Article 2B – Alcoholic Beverages  
17 Section 3–401(a), 5–101(a), 5–201(a)(1) and (f), 6–101(a)(1), 6–201(a)(1),  
18 6–401(a)(1), 10–301(n)(1), and 12–108(a)(1)  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2007 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article 2B – Alcoholic Beverages  
23 Section 3–401(f), 5–101(f), ~~5–201(f)~~, 6–101(f), 6–201(f), 6–401(f), 10–301(a)(1)(iii)  
24 and (n)(2), 12–108(a)(3)(i), and 15–109(f)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2005 Replacement Volume and 2007 Supplement)

3 BY adding to  
4 Article 2B – Alcoholic Beverages  
5 Section 8–404.1A  
6 Annotated Code of Maryland  
7 (2005 Replacement Volume and 2007 Supplement)

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

10 **Article 2B – Alcoholic Beverages**

11 3–401.

12 (a) (1) A Class D beer license shall be issued by the license issuing  
13 authority of the county in which the place of business is located. The holder of the  
14 license may keep for sale and sell beer at retail at the place described in the license.  
15 The beer may be consumed on the premises or elsewhere, but a license may not be  
16 issued for any drugstore.

17 (2) The annual fee for the license shall be paid to the local collecting  
18 agent before any license is issued, for distribution as provided.

19 (f) In Calvert County the annual license fee is [~~\$100~~] **\$1,000**.

20 5–101.

21 (a) (1) A Class A beer and light wine license shall be issued by the license  
22 issuing authority of the county in which the place of business is located. The holder of  
23 the license may keep for sale and sell beer and light wines at retail, in any quantity to  
24 any consumers, at the place described in the license. The holder shall deliver the beer  
25 and light wines in a sealed package or container, which package or container may not  
26 be opened nor its contents consumed on the premises where sold.

27 (2) The annual fee for the license shall be paid to the local collecting  
28 agent before any license is issued, for distribution as provided.

29 (f) In Calvert County the annual license fee is [~~\$150~~] **\$300**.

30 5–201.

31 (a) (1) A Class B beer and light wine license shall be issued by the license  
32 issuing authority of the county in which the place of business is located. The holder  
33 may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at  
34 the place described in the license, for consumption on the premises or elsewhere.

1 (f) ~~(1)~~ In Calvert County the annual license fee is \$250.

2 ~~(2) TO QUALIFY FOR A CLASS B LICENSE, THE PLACE OF~~  
3 ~~BUSINESS SHALL:~~

4 ~~(I) HAVE A REGULAR SEATING CAPACITY FOR AT LEAST 35~~  
5 ~~PERSONS; AND~~

6 ~~(II) BE OPERATED IN A FACILITY IN WHICH THERE HAS~~  
7 ~~BEEN A CAPITAL INVESTMENT OF AT LEAST \$200,000.~~

8 6-101.

9 (a) (1) A Class A beer, wine and liquor license shall be issued by the  
10 license issuing authority of the county in which the place of business is located. The  
11 license authorizes the holder to keep for sale and to sell all alcoholic beverages at  
12 retail, in any quantity, at the place described in the license. The licensee shall deliver  
13 the alcoholic beverages in a sealed package or container and the package or container  
14 may not be opened nor its contents consumed on the premises where sold.

15 (f) In Calvert County the annual license fee is [\$500] **\$1,000**.

16 6-201.

17 (a) (1) A Class B beer, wine and liquor license shall be issued by the  
18 license issuing authority of the county in which the place of business is located, and  
19 the license authorizes its holder to keep for sale and sell all alcoholic beverages at  
20 retail at any hotel or restaurant at the place described, for consumption on the  
21 premises or elsewhere, or as provided in this section.

22 (f) (1) This subsection applies only in Calvert County.

23 (2) The annual fee for a Class B license is [\$1,000]:

24 (I) **\$1,250, IF THE PLACE OF BUSINESS REMAINS OPEN**  
25 **UNTIL MIDNIGHT; OR**

26 (II) **\$2,250, IF THE PLACE OF BUSINESS REMAINS OPEN**  
27 **UNTIL 2 A.M.**

28 ~~(3) TO QUALIFY FOR A CLASS B LICENSE, THE PLACE OF~~  
29 ~~BUSINESS SHALL:~~

30 ~~(I) HAVE A REGULAR SEATING CAPACITY FOR AT LEAST 50~~  
31 ~~PERSONS; AND~~

1 ~~(H) BE OPERATED IN A FACILITY IN WHICH THERE HAS~~  
2 ~~BEEN A CAPITAL INVESTMENT OF AT LEAST \$250,000.~~

3 ~~[(3)](4)~~ (i) There is a Class BR beer, wine and liquor license  
4 which authorizes licensees to sell beer, wine, and liquor in restaurants for on-sale  
5 consumption with meals only.

6 (ii) The annual license fee for each license is \$500.

7 (iii) Hours and days for sale are those for other Calvert County  
8 Class B licensees.

9 ~~[(4)](5)~~ (i) In the 27th Legislative District of Calvert County,  
10 there is a Class BLX license for luxury-type restaurants.

11 (ii) The Class BLX license shall be applied for in the same  
12 manner as are other classes of licenses.

13 (iii) The license fee is \$2,400.

14 (iv) A luxury-type restaurant shall be defined by the County  
15 Liquor Board.

16 (v) To qualify for a Class BLX license, a restaurant shall have:

17 1. A minimum capital investment of \$500,000 for the  
18 dining room facilities and kitchen equipment, not including the cost of land, buildings,  
19 or leases; and

20 2. A seating capacity of at least 150 persons.

21 (vi) Notwithstanding any other provision of this article, an  
22 individual, corporation, limited liability company, partnership, limited partnership,  
23 joint venture, association, or other person or combination of persons may not have a  
24 direct or indirect interest in any combination in more than 3 Class B and Class BLX  
25 licenses.

26 (vii) An indirect interest is presumed to exist between any  
27 combination of individuals, corporations, limited liability companies, partnerships,  
28 limited partnerships, joint ventures, associations, or other persons if any of the  
29 following conditions exist between them:

30 1. A common parent company;

31 2. A franchise agreement;



1 (D) (1) AN APPLICATION FOR A BWT LICENSE SHALL BE MADE ON  
2 THE FORM THAT THE BOARD OF LICENSE COMMISSIONERS PROVIDES.

3 (2) A BWT LICENSE MAY BE ISSUED WITHOUT A HEARING.

4 (E) A BWT LICENSE IS EFFECTIVE FOR 365 DAYS IN A LICENSING  
5 PERIOD.

6 (F) A RENEWAL OF A BWT LICENSE SHALL BE MADE WHEN THE CLASS  
7 A BEER AND WINE OR BEER, WINE AND LIQUOR LICENSE IS RENEWED.

8 (G) A TASTING EVENT MAY NOT EXCEED 3 HOURS.

9 (H) A HOLDER OF A BWT LICENSE MAY NOT:

10 (1) SERVE MORE THAN 1 OUNCE FROM EACH PARTICULAR BRAND  
11 TO ANY ONE INDIVIDUAL; OR

12 (2) CHARGE A FEE FOR THE TASTING EVENT.

13 10-301.

14 (a) (1) (iii) 1. Subject to subparagraph [2] 3 of this  
15 subparagraph, a license by way of renewal may not be approved without a hearing  
16 before such official if a protest has been filed against the granting of the new license at  
17 least 30 days before the expiration of the license for which renewal is sought.

18 2. In CALVERT COUNTY AND Charles County:

19 A. A protest shall specify the basis on which the protest  
20 is made; AND

21 B. The protest shall be filed under oath[; and].

22 [C.] 3. [The] IN CHARLES COUNTY, THE Board of  
23 License Commissioners may approve the renewal of the license without a hearing if  
24 the Board makes a finding that the basis of the protest lacks substance.

25 (n) (1) This subsection applies only in Calvert County.

26 (2) (i) The term of a license is 1 year.

27 (ii) To renew a license, a licensee shall file an application for  
28 license renewal with the Board of License Commissioners at any time beginning on  
29 April 1 and ending on May 1.

1 (iii) A license renewal application received by the Board **ON OR**  
2 after [May 1] **JULY 1** is subject to a late fine of \$50 for each day the application is  
3 late.

4 (iv) A late fine may not exceed \$500.

5 12-108.

6 (a) (1) A licensee licensed under this article, or any employee of the  
7 licensee, may not sell or furnish any alcoholic beverages at any time:

8 (i) To a person under 21 years of age for the underage person's  
9 own use or for the use of any other person; or

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

12 (3) (i) A licensee or employee of the licensee violating any of the  
13 provisions of this subsection is guilty of a misdemeanor and, upon conviction, [suffers  
14 the] **IS SUBJECT TO:**

15 1. **THE** penalties provided by § 16-503 of this article;  
16 **AND**

17 2. **IF THE LICENSEE HOLDS A LICENSE ISSUED BY**  
18 **THE BOARD OF LICENSE COMMISSIONERS OF CALVERT COUNTY, A FINE NOT**  
19 **EXCEEDING \$200.**

20 15-109.

21 (f) In Calvert County:

22 (1) The chairman of the Board shall receive [ \$2,100 ] **\$4,200** annually  
23 for expenses incurred while carrying on the duties of the office;

24 (2) The regular members of the Board shall receive [ \$1,800 ] **\$3,600**  
25 annually for expenses incurred while carrying on the duties of the office; and

26 (3) The alternate Board member shall receive [ \$75 ] **\$200**  
27 compensation for each meeting of the Board attended as an acting regular member to  
28 compensate for expenses incurred while carrying on the duties of the office.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 July 1, 2008.