

SENATE BILL 55

A2

8lr1223

By: **Senators Miller and Dyson**

Introduced and read first time: January 11, 2008

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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), 6–101(a)(1), 6–201(a)(1), 6–401(a)(1),
18 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)
25 Annotated Code of Maryland
26 (2005 Replacement Volume and 2007 Supplement)

27 BY adding to
28 Article 2B – Alcoholic Beverages

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 8-404.1A
2 Annotated Code of Maryland
3 (2005 Replacement Volume and 2007 Supplement)

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

6 **Article 2B – Alcoholic Beverages**

7 3-401.

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

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

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

16 5-101.

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

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

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

26 5-201.

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

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

32 **(2) TO QUALIFY FOR A CLASS B LICENSE, THE PLACE OF**
33 **BUSINESS SHALL:**

1 (I) HAVE A REGULAR SEATING CAPACITY FOR AT LEAST 50
2 PERSONS; AND

3 (II) BE OPERATED IN A FACILITY IN WHICH THERE HAS
4 BEEN A CAPITAL INVESTMENT OF AT LEAST \$250,000.

5 6-101.

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

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

13 6-201.

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

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

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

21 (I) \$1,250, IF THE PLACE OF BUSINESS REMAINS OPEN
22 UNTIL MIDNIGHT; OR

23 (II) \$2,250, IF THE PLACE OF BUSINESS REMAINS OPEN
24 UNTIL 2 A.M.

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

27 (I) HAVE A REGULAR SEATING CAPACITY FOR AT LEAST 50
28 PERSONS; AND

29 (II) BE OPERATED IN A FACILITY IN WHICH THERE HAS
30 BEEN A CAPITAL INVESTMENT OF AT LEAST \$250,000.

1 5. Dual membership in a chain of businesses commonly
 2 owned and operated;

3 6. A sharing of directors, stockholders, partners, or
 4 members, or a sharing of directors, stockholders, partners, or members of parents or
 5 subsidiaries;

6 7. Common direct or indirect sharing of profit from the
 7 sale of alcoholic beverages; or

8 8. A sharing of a common trade name, trademark, logo
 9 or theme, or mode of operation identifiable by the public.

10 6-401.

11 (a) (1) A Class D beer, wine and liquor license shall be issued by the
 12 license issuing authority of the county in which the place of business is located. It
 13 authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the
 14 place described in it, for consumption on the premises or elsewhere. A license may not
 15 be issued for any drugstore.

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

17 (2) This license may be issued in the entire county.

18 (3) The annual license fee is [\$1,000]:

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

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

23 **8-404.1A.**

24 (A) **THIS SECTION APPLIES ONLY IN CALVERT COUNTY.**

25 (B) **A SPECIAL BEER AND WINE TASTING (BWT) LICENSE MAY BE**
 26 **ISSUED TO A HOLDER OF A CLASS A BEER AND WINE OR BEER, WINE AND**
 27 **LIQUOR LICENSE.**

28 (C) **THE ANNUAL FEE FOR A BWT LICENSE IS \$300.**

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

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

2 **(E) A BWT LICENSE IS EFFECTIVE FOR 365 DAYS IN A LICENSING**
3 **PERIOD.**

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

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

7 **(H) A HOLDER OF A BWT LICENSE MAY NOT:**

8 **(1) SERVE MORE THAN 1 OUNCE FROM EACH PARTICULAR BRAND**
9 **TO ANY ONE INDIVIDUAL; OR**

10 **(2) CHARGE A FEE FOR THE TASTING EVENT.**

11 10-301.

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

16 2. In **CALVERT COUNTY AND** Charles County:

17 A. A protest shall specify the basis on which the protest
18 is made;

19 B. The protest shall be filed under oath; and

20 C. The Board of License Commissioners may approve the
21 renewal of the license without a hearing if the Board makes a finding that the basis of
22 the protest lacks substance.

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

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

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

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

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

2 12-108.

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

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

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

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

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

14 **2. A FINE NOT EXCEEDING \$200.**

15 15-109.

16 (f) In Calvert County:

17 (1) The chairman of the Board shall receive [~~\$2,100~~] **\$7,500** annually
18 for expenses incurred while carrying on the duties of the office;

19 (2) The regular members of the Board shall receive [~~\$1,800~~] **\$5,000**
20 annually for expenses incurred while carrying on the duties of the office; and

21 (3) The alternate Board member shall receive [~~\$75~~] **\$400**
22 compensation for each meeting of the Board attended as an acting regular member to
23 compensate for expenses incurred while carrying on the duties of the office.

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