

HOUSE BILL 372

A2

9lr2168

By: **Charles County Delegation**

Introduced and read first time: February 2, 2009

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 11, 2009

CHAPTER _____

1 AN ACT concerning

2 **Charles County – Alcoholic Beverages Violations – Penalties**

3 FOR the purpose of increasing certain penalties for alcoholic beverages violations in
4 Charles County; providing that the Charles County Board of License
5 Commissioners may impose both a fine and a license suspension for an alcoholic
6 beverages violation; and generally relating to penalties for alcoholic beverages
7 violations in Charles County.

8 BY repealing and reenacting, with amendments,
9 Article 2B – Alcoholic Beverages
10 Section 16–507(j)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – State Government
15 Section 10–1001
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2008 Supplement)

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

20 **Article 2B – Alcoholic Beverages**

21 16–507.

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 (j) (1) Notwithstanding any provision of this Code to the contrary, in
2 Charles County, the Board of License Commissioners may impose a fine not to exceed
3 ~~[\$1,000]~~ **\$2,500** or suspend an alcoholic beverage license **OR BOTH**, for any violation
4 of the alcoholic beverage laws affecting Charles County. All moneys collected under
5 this subsection shall be deposited into the general funds of the county.

6 (2) (i) In Charles County, if an alcoholic beverages licensee or an
7 employee of an alcoholic beverages licensee sells alcoholic beverages to a person under
8 21 years of age, the Board of License Commissioners may:

9 1. For the first offense, suspend the license for not more
10 than 3 days or impose a fine not to exceed ~~[\$500]~~ **\$750** or both; and

11 2. For each subsequent offense, impose a penalty as
12 determined by the Board of License Commissioners.

13 (ii) In Charles County, if an employee of an alcoholic beverages
14 licensee sells alcoholic beverages to a person under 21 years of age, the Board of
15 License Commissioners may impose a fine on the employee not to exceed ~~[\$150]~~ **\$500**
16 per offense.

17 (3) (i) In this paragraph the term “economic impact” includes, but
18 is not limited to, the ratio between total sales of alcoholic beverages as compared with
19 the total sales of the establishment before and during a license suspension.

20 (ii) When determining the number of days for a suspension of a
21 license for a subsequent offense as provided for in this subsection, the Board shall
22 consider the class of license and the economic impact the suspension will have on the
23 business.

24 (4) (i) Except as provided in subparagraph (ii) of this paragraph, if
25 a license is suspended for 4 days or less, then the suspension may not be on a Friday,
26 Saturday, or Sunday.

27 (ii) If a license is suspended for 4 days or less and the licensed
28 premises is only open on Friday, Saturday, or Sunday, or a combination of those days,
29 then the suspension may be on a Friday, Saturday, or Sunday.

30 (5) A fine levied by the Charles County Board of License
31 Commissioners under this subsection shall be levied in accordance with the provisions
32 of § 10–1001 of the State Government Article.

33 Article – State Government

34 10–1001.

1 (a) In this section, "unit" means an officer or other entity in the Executive
2 Branch.

3 (b) Unless otherwise provided by statute or regulation, a unit of State
4 government authorized by law to impose a civil penalty up to a specific dollar amount
5 for violation of any statute or regulation shall consider the following in setting the
6 amount of the penalty:

7 (1) the severity of the violation for which the penalty is to be assessed;

8 (2) the good faith of the violator; and

9 (3) any history of prior violations.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.