

# HOUSE BILL 1304

A2

(9lr1505)

## ENROLLED BILL

—Economic Matters / Education, Health, and Environmental Affairs—

Introduced by ~~Delegates Love, Beidle, V. Claggett, Costa, George, King, Kipke, McConkey, Schuh, and Sophocleus~~ Anne Arundel County Delegation

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

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

1 AN ACT concerning

### 2 **Anne Arundel County – Alcoholic Beverages Act of 2009**

3 FOR the purpose of ~~altering~~ imposing certain alcoholic beverages license fees in Anne  
4 Arundel County; establishing certain hotel-limited service licenses in the  
5 county; authorizing the Board of License Commissioners to issue the  
6 hotel-limited service licenses to certain persons; providing for the privileges and  
7 annual fees for the hotel-limited service licenses; requiring the Board to obtain  
8 criminal records of alcoholic beverages license applicants from certain  
9 governmental units, require applicants for licenses to be fingerprinted, and  
10 forward the fingerprints to certain governmental units; establishing a certain  
11 nonrefundable license renewal fee; ~~establishing a certain nonrefundable license~~  
12 ~~renewal fee~~ requiring the Anne Arundel County Board of License  
13 Commissioners to prepare an annual budget; specifying the contents of the  
14 budget; requiring the Board to submit the budget to the Comptroller for

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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.

*Italics* indicate opposite chamber / conference committee amendments.



1 approval and to transmit the budget after it is approved to certain delegations  
 2 in the General Assembly on or before a certain date; authorizing the Board to  
 3 engage the services of a certain person for a certain purpose; requiring the  
 4 county government to provide the Board with certain information; authorizing  
 5 the Board to issue a special outdoor license *and a special outdoor entertainment*  
 6 *license* ~~and a special outdoor entertainment license~~ to holders of certain  
 7 licenses; providing for the privileges, annual ~~fees~~ fee, and renewal requirement  
 8 for special outdoor licenses ~~and special outdoor entertainment licenses~~;  
 9 authorizing the Board to employ a part-time deputy chief inspector at a certain  
 10 annual salary; altering the number of part-time inspectors that the Board may  
 11 employ; *altering the annual salary of the attorney for the Board*; ~~altering the~~  
 12 ~~annual salary of the attorney for the Board~~; adding Anne Arundel County to a  
 13 list of jurisdictions in which a certain court may remand certain proceedings to  
 14 the local licensing board; altering the penalty the Board may impose for a  
 15 violation that is cause for suspension of a license; making certain stylistic  
 16 changes; defining certain terms; providing for the application of ~~certain sections~~  
 17 *a certain provision* of this Act; and generally relating to alcoholic beverages in  
 18 Anne Arundel County.

19 BY repealing and reenacting, with amendments,

20 Article 2B – Alcoholic Beverages

21 Section 1-102(b), ~~5-101(e)(1), 5-201(e), 5-202(d), 5-301(e), 5-401(e)(1)(i),~~  
 22 ~~6-101(e), 6-201(e), 6-301(e)(2), (5)(ii), (6)(ii), and (7)(ii), 6-401(e)(3),~~  
 23 ~~7-101(b)(2)(i) and (d)(2), 8-202(d)(4)(ii) and (5), (e)(3), (h)(4)(i), and~~  
 24 ~~(i)(4)(i), 8-202.1(f), 10-204(e), 12-202(a), 15-112(c)(3) *and (5)(iii)* and~~  
 25 ~~(5)(iii)~~, 16-101(e)(4), and 16-507(c)(1)

26 Annotated Code of Maryland

27 (2005 Replacement Volume and 2008 Supplement)

28 BY repealing

29 Article 2B – Alcoholic Beverages

30 Section 5-201(c)(3)

31 Annotated Code of Maryland

32 (2005 Replacement Volume and 2008 Supplement)

33 BY repealing and reenacting, without amendments,

34 Article 2B – Alcoholic Beverages

35 Section 4-201(a)(1), ~~5-101(a)(1), 5-202(b)(1), 5-301(a)(1), 5-401(a)(1),~~  
 36 ~~6-101(a)(1), 6-301(a)(1), (e)(1), (5)(i), (6)(i), and (7)(i), 6-401(a)(1) and~~  
 37 ~~(e)(1), 7-101(b)(1)(i), 8-202(a), (b)(1) and (2), (e)(1), (h)(3), and (i)(1),~~  
 38 ~~8-202.1(a) and (e)(1), and 15-112(c)(1)(i)~~

39 Annotated Code of Maryland

40 (2005 Replacement Volume and 2008 Supplement)

41 BY adding to

42 Article 2B – Alcoholic Beverages

1 Section 4-201(b)(7), 8-202(j), ~~and 10-103(b)(13)(xv), and 10-301(u), and 10-~~  
 2 ~~301(u)~~  
 3 Annotated Code of Maryland  
 4 (2005 Replacement Volume and 2008 Supplement)

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

7 **Article 2B – Alcoholic Beverages**

8 1-102.

9 (b) (1) In this article the following words have the meanings indicated  
 10 within the specified subdivisions.

11 (2) IN ANNE ARUNDEL COUNTY, “TAXPAYER” MEANS AN  
 12 INDIVIDUAL WHO OWNS REAL PROPERTY IN THE INDIVIDUAL’S OWN NAME,  
 13 INDIVIDUALLY OR JOINTLY WITH OTHERS, AND PAYS REAL PROPERTY TAXES TO  
 14 ANNE ARUNDEL COUNTY.

15 [(2)] (3) In Prince George’s and St. Mary’s counties “taxpayer” means  
 16 a resident who pays either real estate tax, income tax, or both.

17 [(3)] (4) In Wicomico County, “bowling alley” means an  
 18 establishment in which the primary business activity is to provide bowling lanes and  
 19 bowling activities for the public, and which may be equipped with a dining room or  
 20 snack bar area for the sale of food and beverages.

21 [(4)] (5) In Worcester [County] COUNTY, “taxpayer” means an  
 22 individual who owns real estate in Worcester County in his own name, either  
 23 individually or jointly with others, and actually pays real estate tax in Worcester  
 24 County.

25 4-201.

26 (a) A Class A light wine license may be issued only in:

27 (1) Anne Arundel County;

28 (b) (7) IN ANNE ARUNDEL COUNTY THE ANNUAL FEE FOR THIS  
 29 LICENSE IS \$60.

30 ~~5-101.~~

31 (a) (1) ~~A Class A 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 of~~

~~1 the license may keep for sale and sell beer and light wines at retail, in any quantity to  
2 any consumers, at the place described in the license. The holder shall deliver the beer  
3 and light wines in a sealed package or container, which package or container may not  
4 be opened nor its contents consumed on the premises where sold.~~

~~5 (e) (1) In Anne Arundel County the annual license fee is [\$200] **\$240.**~~

~~6 5-201.~~

~~7 (c) (1) This subsection applies only in Anne Arundel County.~~

~~8 (2) The annual license fee for a Class B beer and light wine license is  
9 [\$400] **\$480.**~~

10 [(3) (i) There is a Class B-LSH (limited service hotel) beer and light  
11 wine license for use in a hotel that contains more than 100 rooms and operates a  
12 kitchen licensed as a food service facility.

13 (ii) The annual license fee is \$2,000.

14 (iii) A Class B-LSH license authorizes the licensee to sell beer  
15 and light wine in containers to registered guests, who may consume the beverage in  
16 their hotel rooms or remove unopened containers from the hotel premises.]

~~17 5-202.~~

~~18 (b) (1) A Class H beer and light wine license shall be issued by the license  
19 issuing authority of the county in which the place of business is located. The license  
20 authorizes the holder to keep for sale and sell beer and light wines at retail at any  
21 hotel or restaurant, at the place described in the license, for consumption on the  
22 premises.~~

~~23 (d) In Anne Arundel County the annual license fee is [\$300] **\$360.**~~

~~24 5-301.~~

~~25 (a) (1) Except as provided in subsection (n) of this section, a Class C beer  
26 and light wine license shall be issued by the license issuing authority of the county in  
27 which the place of business is located. The holder of the license may keep for sale and  
28 sell beer and light wines at retail to bona fide members and their guests, at any club,  
29 at the place described in the license, for consumption on the premises only.~~

~~30 (e) In Anne Arundel County the annual license fee is [\$100] **\$120.**~~

~~31 5-401.~~

1           ~~(a) (1) A Class D beer and light wine license shall be issued by the license~~  
2 ~~issuing authority of the county in which the place of business is located. The license~~  
3 ~~authorizes its holder to keep for sale and to sell beer and light wines at retail, at the~~  
4 ~~place described in the license, for consumption on the premises or elsewhere. The~~  
5 ~~license may not be issued for any drugstore.~~

6           ~~(e) (1) (i) In Anne Arundel County the annual license fee is [\$400]~~  
7 ~~\$480.~~

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           ~~(e) In Anne Arundel County the annual license fee is [\$600] \$720.~~

16 ~~6-201.~~

17           ~~(e) (1) The provisions of this subsection apply only in Anne Arundel~~  
18 ~~County and do not apply to the City of Annapolis.~~

19                   ~~(2) The annual fee for a Class B license is [\$900] \$1,080.~~

20           ~~(3) (i) A Class H beer, wine and liquor license authorizes the~~  
21 ~~holder to keep for sale and sell beer, wine and liquor at retail at any restaurant for~~  
22 ~~consumption on the premises.~~

23                   ~~(ii) The annual fee for this license is [\$800] \$960.~~

24 ~~6-301.~~

25           ~~(a) (1) Except as provided in subsection (n) of this section, a Class C beer,~~  
26 ~~wine and liquor license shall be issued by the license issuing authority of the county in~~  
27 ~~which the place of business is located. It authorizes the holder to keep for sale and sell~~  
28 ~~all alcoholic beverages at retail at any club, at the place described in the license, for~~  
29 ~~consumption on the premises only.~~

30           ~~(e) (1) This subsection applies only in Anne Arundel County.~~

31                   ~~(2) The annual license fee is [\$400] \$480.~~

32                   ~~(5) (i) There is a special Class C (yacht club) license.~~

1 (ii) ~~The annual license fee is [\$1,500] \$1,800.~~

2 (6) (i) ~~There is a special Class C (golf and country club) license.~~

3 (ii) ~~The annual license fee is [\$1,500] \$1,800.~~

4 (7) (i) ~~There is a special Class C (country club) license.~~

5 (ii) ~~The annual license fee is [\$625] \$750.~~

6 ~~6-401.~~

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

12 (e) (1) ~~This subsection applies only in Anne Arundel County.~~

13 (3) (i) ~~The annual license fee for a limited Class D license is [\$900]~~  
 14 ~~\$1,080.~~

15 (ii) ~~The annual license fee for a Class D on and off sale license~~  
 16 ~~is [\$1,000] \$1,200.~~

17 ~~7-101.~~

18 (b) (1) (i) ~~Subject to subsection (a) of this section, a special Class C~~  
 19 ~~beer license or a special Class C beer and wine license entitles the holder to exercise~~  
 20 ~~any of the privileges conferred by the respective classes of licenses for the use of any~~  
 21 ~~person holding any bona fide entertainment conducted by any club, society or~~  
 22 ~~association at the place described in the license, for a period not exceeding seven~~  
 23 ~~consecutive days from the effective date thereof.~~

24 (2) ~~In Anne Arundel County:~~

25 (i) ~~The fee is [\$10] \$25 per day; and~~

26 (d) (2) ~~In Anne Arundel County:~~

27 (i) ~~A special beer, wine and liquor license, Class C licensee may~~  
 28 ~~purchase beer from a wholesaler;~~

29 (ii) ~~The fee is [\$25] \$50 per day; and~~

1                   ~~(iii) The provisions of §§ 10-103(b) and 10-202 of this article and~~  
2 ~~§ 10-501 of the State Government Article do not apply to an applicant for the license.~~

3 8-202.

4           (a) This section applies only in Anne Arundel County.

5           (b) (1) In this section the following words have the meanings indicated.

6                   (2) “Board” means the Board of License Commissioners.

7           (d) (4) (ii) A “special Sunday license” may not be issued to any person:

8                                   **1. WHO HOLDS A HOTEL-LIMITED SERVICE LICENSE**  
9 **UNDER SUBSECTION (J) OF THIS SECTION; OR**

10                                   **2. [who] WHO does not hold an alcoholic beverages**  
11 **license of some other class issued by the Board.**

12                   ~~(5) (i) The annual fee for each beer and light wine “special Sunday~~  
13 ~~license” is [\$50] \$60.~~

14                                   ~~(ii) The annual fee for each beer, wine and liquor “special~~  
15 ~~Sunday license” is [\$100] \$120.~~

16           ~~(e) (1) There is a racetrack license.~~

17                                   ~~(3) The license fee is [\$50] \$60 per day to be paid on January 1 for the~~  
18 ~~racetrack of the preceding year, payable to the Board. It entitles the holder to sell at one~~  
19 ~~or more locations within its park.~~

20           ~~(h) (3) The Board may issue a resort complex license covering “on-sales”~~  
21 ~~of beer, wine and liquor to any person, for the sale of any and all alcoholic beverages~~  
22 ~~within the confines of the resort complex. This license shall be issued only to the~~  
23 ~~person, firm, or corporation owning or leasing a resort complex.~~

24                   (4) (i) The annual license fee is [\$1,500] \$1,800.

25           ~~(i) (1) There is a motel/hotel-restaurant license.~~

26                                   ~~(4) (i) The annual license fee for each separate establishment is~~  
27 ~~[\$3,000] \$3,600.~~

28           **(J) (1) (I) THERE IS A BEER AND WINE (HOTEL-LIMITED SERVICE)**  
29 **(ON-SALE) LICENSE.**

1                   (II) THERE IS A BEER, WINE AND LIQUOR (HOTEL-LIMITED  
2 SERVICE) (ON-SALE) LICENSE.

3                   (2) THE BOARD MAY ISSUE A LICENSE UNDER PARAGRAPH (1)(I)  
4 OR (II) OF THIS SUBSECTION ONLY TO A PERSON WHO OWNS OR LEASES A HOTEL  
5 THAT CONTAINS AT LEAST 50 ROOMS AND OPERATES A KITCHEN LICENSED AT  
6 LEAST AS A FOOD SERVICE FACILITY.

7                   (3) A LICENSE ISSUED UNDER THIS SUBSECTION ENTITLES THE  
8 HOLDER TO SELL ALCOHOLIC BEVERAGES EVERY DAY AT ONE OR MORE  
9 LOCATIONS WITHIN THE HOTEL.

10                  (4) THE ANNUAL LICENSE FEE IS:

11                   (I) \$2,400 FOR A BEER AND WINE (HOTEL-LIMITED  
12 SERVICE) LICENSE; AND

13                   (II) \$2,800 FOR A BEER, WINE AND LIQUOR  
14 (HOTEL-LIMITED SERVICE) LICENSE.

15                  (5) THE ANNUAL LICENSE FEE SHALL BE PAID ON MAY 1 TO THE  
16 BOARD.

17 ~~§ 202.1.~~

18                  (a) ~~This section applies only in Anne Arundel County.~~

19                  (e) ~~(1) There is a 7-day Class BLX (deluxe restaurant) (on-sale) beer,~~  
20 ~~wine and liquor license.~~

21                  (f) ~~The annual license fee is [\$1,000] \$1,200.~~

22 10-103.

23                  (b) (13) (XV) 1. A. IN THIS SUBPARAGRAPH, THE FOLLOWING  
24 WORDS HAVE THE MEANINGS INDICATED.

25                               B. "CENTRAL REPOSITORY" MEANS THE CRIMINAL  
26 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT  
27 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

28                               C. "BOARD" MEANS THE ANNE ARUNDEL COUNTY  
29 BOARD OF LICENSE COMMISSIONERS.



1                   **2. IN ANNE ARUNDEL COUNTY, THE BOARD SHALL**  
2 **APPLY TO THE CENTRAL REPOSITORY FOR STATE AND NATIONAL CRIMINAL**  
3 **HISTORY RECORDS CHECKS FOR EACH ALCOHOLIC BEVERAGES LICENSE**  
4 **APPLICANT.**

5                   **3. AS PART OF THE APPLICATION FOR A CRIMINAL**  
6 **HISTORY RECORDS CHECK, THE BOARD SHALL SUBMIT TO THE CENTRAL**  
7 **REPOSITORY:**

8                   **A. TWO COMPLETE SETS OF THE APPLICANT'S**  
9 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**  
10 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**  
11 **INVESTIGATION;**

12                   **B. THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF**  
13 **THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL**  
14 **HISTORY RECORDS; AND**

15                   **C. THE MANDATORY PROCESSING FEE REQUIRED BY**  
16 **THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL**  
17 **HISTORY RECORDS CHECK.**

18                   **4. IN ACCORDANCE WITH §§ 10-201 THROUGH**  
19 **10-234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY**  
20 **SHALL FORWARD TO THE APPLICANT AND THE BOARD THE APPLICANT'S**  
21 **CRIMINAL HISTORY RECORD INFORMATION.**

22                   **5. INFORMATION OBTAINED FROM THE CENTRAL**  
23 **REPOSITORY UNDER THIS SUBPARAGRAPH SHALL BE:**

24                   **A. CONFIDENTIAL AND MAY NOT BE**  
25 **REDISSEMINATED; AND**

26                   **B. USED ONLY FOR THE LICENSING PURPOSE**  
27 **AUTHORIZED UNDER THIS SUBPARAGRAPH.**

28                   **6. THE SUBJECT OF A CRIMINAL HISTORY RECORDS**  
29 **CHECK UNDER THIS SUBPARAGRAPH MAY CONTEST THE CONTENTS OF THE**  
30 **PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY UNDER § 10-223**  
31 **OF THE CRIMINAL PROCEDURE ARTICLE.**

32 ~~10-301.~~

~~(U) IN ANNE ARUNDEL COUNTY, AN APPLICANT FOR A RENEWAL OF A LICENSE SHALL PAY TO THE LOCAL COLLECTING AGENT A NONREFUNDABLE RENEWAL FEE OF \$50 IN ADDITION TO THE ANNUAL LICENSE FEE.~~

~~10-204.~~

~~(e) (1) Except for licenses granted to places of business located in the City of Annapolis, the Anne Arundel County Board of License Commissioners shall:~~

~~(i) Collect all alcoholic beverages license fees; and~~

~~(ii) Issue all alcoholic beverages licenses authorized under this article for Anne Arundel County.~~

~~(2) (i) The Anne Arundel County Board of License Commissioners shall remit to the county all fees collected by the Board.~~

~~(ii) The county shall pay from the receipts the salaries and expenses of the Board and of its employees, as approved by the State Comptroller, and shall devote the balance of the receipts to the general purposes of the county.~~

~~(3) (1) FOR EACH FISCAL YEAR BEGINNING JULY 1 AND ENDING JUNE 30 OF THE SUBSEQUENT YEAR, THE ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS SHALL PREPARE AN ANNUAL BUDGET THAT LISTS ALL SIGNIFICANT COMPONENTS OF THE BOARD'S REVENUE AND EXPENSES, INCLUDING PAYROLL, RENT, AND COSTS OF JANITORIAL SERVICES AND UTILITIES.~~

~~(H) THE BOARD SHALL:~~

~~1. SUBMIT THE BUDGET TO THE COMPTROLLER FOR APPROVAL; AND~~

~~2. AFTER THE BUDGET REQUIRED BY SUBPARAGRAPH (1) OF THIS PARAGRAPH IS APPROVED BY THE COMPTROLLER, BUT ON OR BEFORE JANUARY 15 OF EACH YEAR, TRANSMIT THE BUDGET AND RECOMMENDATIONS REGARDING WHETHER ADJUSTMENTS SHOULD BE MADE TO ALCOHOLIC BEVERAGES LICENSE FEES TO THE CHAIR OF THE ANNE ARUNDEL COUNTY SENATE DELEGATION AND THE CHAIR OF THE ANNE ARUNDEL COUNTY HOUSE DELEGATION IN THE GENERAL ASSEMBLY.~~

~~(HH) TO HELP PREPARE THE BUDGET:~~

~~1. THE BOARD MAY ENGAGE THE SERVICES OF AN OUTSIDE FINANCIAL ADVISOR; AND~~

1                                    ~~2. THE COUNTY GOVERNMENT SHALL PROVIDE TO~~  
2 ~~THE BOARD ALL INFORMATION REASONABLY REQUESTED BY THE BOARD.~~

3                    ~~[(3)] (4) The City Clerk of the City of Annapolis shall:~~

4                                    ~~(i) Collect all alcoholic beverages license fees for licenses~~  
5 ~~granted to places of business located in the City of Annapolis; and~~

6                                    ~~(ii) Issue all alcoholic beverages licenses authorized under this~~  
7 ~~article for the City of Annapolis.~~

8                    ~~[(4)] (5) (i) The City Clerk of the City of Annapolis shall remit to~~  
9 ~~the City of Annapolis all fees collected by the City Clerk.~~

10                                    ~~(ii) The City of Annapolis shall devote the receipts to the~~  
11 ~~general purposes of the City.~~

12 10-30.

13                    (U) IN ANNE ARUNDEL COUNTY, AN APPLICANT FOR A RENEWAL OF A  
14 LICENSE SHALL PAY TO THE LOCAL COLLECTING AGENT A NONREFUNDABLE  
15 RENEWAL FEE OF \$50 IN ADDITION TO THE ANNUAL LICENSE FEE.

16 12-202.

17                    (a) In Anne Arundel County no holder of any class of alcoholic beverage  
18 license or the holder of a club license shall permit the playing of music of any kind  
19 (except one radio speaker or one television screen), or dancing, floor shows, or any  
20 other similar type of entertainment on the licensed premises or on adjacent property  
21 over which the licensee has ownership or control, except:

22                                    (1) Any holder of a Class B, Class D, or Class H license shall be  
23 permitted to play recorded music of any kind, or live music with no more than two  
24 musicians if the licensee obtains a special music license. A special music license may  
25 be issued in the same manner as any other special license. The annual fee for the  
26 license shall be \$100. Dancing, floor shows, or other similar live entertainment may  
27 not be permitted.

28                                    (2) (i) Except as provided in subparagraph (ii) of this paragraph,  
29 any holder of a Class B, Class D or Class H license shall be permitted to have music,  
30 dancing and other legal forms of entertainment, provided the licensee obtains a special  
31 dancing license which shall be issued in the same manner as any other special license.  
32 The annual fee shall be \$400 when issued to a licensee holding a beer, wine and liquor  
33 license and \$200 when issued to a licensee holding a beer and wine license.

1 (ii) A Class H license that is located within 1,000 feet in a  
 2 straight line from entry to entry from a church or school may not obtain a special  
 3 dancing license.

4 (3) Any holder of a Class C license shall be permitted to have music,  
 5 dancing and other legal forms of entertainment, provided the licensee obtains a special  
 6 dancing license which shall be issued in the same manner as any other special license  
 7 at no additional charge.

8 (4) (I) **THE BOARD MAY ISSUE A SPECIAL OUTDOOR LICENSE**  
 9 **TO A HOLDER OF A CLASS B, CLASS C, CLASS D, OR CLASS H LICENSE.**

10 (II) **A SPECIAL OUTDOOR LICENSE UNDER THIS PARAGRAPH**  
 11 **ENTITLES THE HOLDER TO PROVIDE OUTDOOR TABLE SERVICE TO**  
 12 **CUSTOMERS ON THE GROUNDS OF THE LICENSED ESTABLISHMENT.**

13 (III) **THE ANNUAL FEE FOR A SPECIAL OUTDOOR LICENSE IS**  
 14 ~~\$200~~ \$100 ~~\$200~~ \$100.

15 (IV) **BEFORE A SPECIAL OUTDOOR LICENSE IS RENEWED, A**  
 16 **HOLDER SHALL OBTAIN APPROVAL FROM THE BOARD.**

17 (5) (I) ~~(I)~~ **THE BOARD MAY ~~ISSUE A SPECIAL OUTDOOR~~**  
 18 ~~**ENTERTAINMENT LICENSE GRANT PERMISSION**~~ **ISSUE A SPECIAL OUTDOOR**  
 19 **ENTERTAINMENT LICENSE** TO A HOLDER OF A CLASS B, CLASS C, CLASS D, AND  
 20 CLASS H LICENSE WHO ALSO HOLDS A SPECIAL DANCING LICENSE OR A  
 21 SPECIAL MUSIC LICENSE UNDER PARAGRAPH (1), (2), OR (3) OF THIS  
 22 SUBSECTION.

23 ~~(II) A SPECIAL OUTDOOR ENTERTAINMENT LICENSE UNDER~~  
 24 ~~THIS PARAGRAPH ENTITLES THE HOLDER TO PROVIDE:~~

25 ~~1. THE TO PROVIDE THE SAME FORM OF~~  
 26 ~~ENTERTAINMENT OUTDOORS THAT THE HOLDER IS ALLOWED TO PROVIDE~~  
 27 ~~INDOORS UNDER THE HOLDER'S SPECIAL DANCING LICENSE OR SPECIAL MUSIC~~  
 28 ~~LICENSE; AND~~

29 (II) **A SPECIAL OUTDOOR ENTERTAINMENT LICENSE UNDER**  
 30 **THIS PARAGRAPH ENTITLES THE HOLDER TO PROVIDE:**

31 **1. THE SAME FORM OF ENTERTAINMENT OUTDOORS**  
 32 **THAT THE HOLDER IS ALLOWED TO PROVIDE INDOORS UNDER THE HOLDER'S**  
 33 **SPECIAL DANCING LICENSE OR SPECIAL MUSIC LICENSE; AND**

34 **2. OUTDOOR TABLE SERVICE OR CAFE SERVICE;**

~~(III) THE ANNUAL FEE FOR A SPECIAL OUTDOOR ENTERTAINMENT LICENSE IS \$500.~~

~~(IV) BEFORE A SPECIAL OUTDOOR ENTERTAINMENT LICENSE IS RENEWED, THE HOLDER OF THE LICENSE SHALL OBTAIN APPROVAL FROM THE BOARD~~

~~2. OUTDOOR TABLE SERVICE OR CAFE SERVICE.~~

~~(III) THE ANNUAL FEE FOR A SPECIAL OUTDOOR ENTERTAINMENT LICENSE IS \$500.~~

~~(IV) BEFORE A SPECIAL OUTDOOR ENTERTAINMENT LICENSE IS RENEWED, THE HOLDER OF THE LICENSE SHALL OBTAIN APPROVAL FROM THE BOARD.~~

[(4)] (6) All special licenses set forth in paragraphs (1), (2), [and] (3), [above] (4), AND (5) OF THIS SUBSECTION shall be authorized by the Board of License Commissioners for Anne Arundel County only when the Board finds:

(i) That the use of the licensed premises for such purposes shall not be in violation of any fire, health, or building regulation of Anne Arundel County,

(ii) That the applicant can adequately control the persons using the licensed premises,

(iii) That the granting of such special license is necessary for the accommodation of the public,

(iv) That the operation of the premises under such special license will not unduly disturb the peace of the residents of the neighborhood in which the place of business is located, and

(v) That in the opinion of the Board the granting of such special license will not be detrimental to the general public welfare.

15-112.

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

(3) (I) In addition to the powers given to the Board in subsection (a) of this section, the Board may employ one part-time chief inspector at an annual salary of \$10,000, ONE PART-TIME DEPUTY CHIEF INSPECTOR AT AN ANNUAL

1 **SALARY OF \$8,000** and [19] **18** part-time inspectors at an annual salary of \$6,000  
2 each.

3 (II) In addition to [this] A salary **STATED IN SUBPARAGRAPH**  
4 **(I) OF THIS PARAGRAPH**, each of the inspectors shall receive a monthly expense of  
5 \$300 per month, subject to the approval of the State Comptroller.

6 ~~(5) The Board of License Commissioners:~~

7 ~~(iii) Shall employ an attorney at an annual salary of [\$12,000]~~  
8 ~~\$20,000.~~

9 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
10 ~~read as follows:~~

11 ~~**Article 2B—Alcoholic Beverages**~~

12 ~~(5) *The Board of License Commissioners:*~~

13 ~~(iii) *Shall employ an attorney at an annual salary of [\$12,000]*~~  
14 ~~**\$20,000.**~~

15 16–101.

16 (e) (4) (i) If the court reverses the action of the local licensing board it  
17 shall file with the papers a written statement of the reasons. The court may modify, as  
18 well as affirm or reverse, the action of the local licensing board. Costs shall be  
19 awarded as in other civil cases.

20 (ii) In addition to the other powers of the court provided in this  
21 article, the court may remand the proceedings to the local licensing board in the  
22 following jurisdictions:

23 **1. ANNE ARUNDEL COUNTY;**

24 [1.] **2.** Baltimore City;

25 [2.] **3.** Carroll County;

26 [3.] **4.** Charles County;

27 [4.] **5.** Frederick County;

28 [5.] **6.** Harford County;

29 [6.] **7.** Howard County;

- 1 [7.]8. Montgomery County;
- 2 [8.] 9. Prince George's County; and
- 3 [9.] 10. St. Mary's County.
- 4 16-507.

5 ~~(e) (1) (I) In Anne Arundel County the Board of License~~  
 6 ~~Commissioners may impose a fine of not more than [\$1,000 in lieu of suspension of a~~  
 7 ~~license] \$2,500 OR SUSPEND THE LICENSE OR BOTH, for any violation that is cause~~  
 8 ~~for suspension under the alcoholic beverage laws affecting Anne Arundel County, MAY~~  
 9 ~~IMPOSE THE FOLLOWING PENALTIES:~~

10 ~~(I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$2,500;~~

11 ~~(II) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING~~  
 12 ~~\$2,500 OR SUSPENSION OF THE LICENSE FOR A PERIOD NOT EXCEEDING 120~~  
 13 ~~DAYS OR BOTH; OR~~

14 ~~(III) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT~~  
 15 ~~EXCEEDING \$2,500 OR A SUSPENSION OF THE LICENSE FOR A PERIOD TO BE~~  
 16 ~~DETERMINED BY THE BOARD OR BOTH.~~

17 ~~(H) A FINE OR SUSPENSION UNDER SUBPARAGRAPH (I) OF~~  
 18 ~~THIS PARAGRAPH IS IN ADDITION TO ANY OTHER TERM OR CONDITION THAT~~  
 19 ~~THE BOARD MAY IMPOSE AS A RESULT OF THE VIOLATION.~~

20 ~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act may~~  
 21 ~~not be applied to any case for which a final judgment has been rendered and for which~~  
 22 ~~all judicial appeals have been exhausted before the effective date of this Act.~~

23 ~~(c) (1) (I) In Anne Arundel County the Board of License Commissioners~~  
 24 ~~may impose a fine of not more than [\$1,000 in lieu of suspension of a license] \$2,500~~  
 25 ~~OR SUSPEND THE LICENSE OR BOTH for any violation that is cause for suspension~~  
 26 ~~under the alcoholic beverage laws affecting Anne Arundel County.~~

27 ~~(II) A FINE OR SUSPENSION UNDER SUBPARAGRAPH (I) OF~~  
 28 ~~THIS PARAGRAPH IS IN ADDITION TO ANY OTHER TERM OR CONDITION THAT THE~~  
 29 ~~BOARD MAY IMPOSE AS A RESULT OF THE VIOLATION.~~

30 ~~SECTION 2. AND BE IT FURTHER ENACTED, That Article 2B,~~  
 31 ~~§ 16-101(e)(4)(ii)1, as enacted by Section 1 of this Act, shall be construed to apply~~  
 32 ~~retroactively and shall be applied to and interpreted to affect all matters on judicial~~

1 ~~review in the Circuit Court for Anne Arundel County on or after August 1, 2008 may~~  
2 ~~not be applied to any case for which a final judgment has been rendered and for which~~  
3 ~~all judicial appeals have been exhausted before the effective date of this Act.~~

4 SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
5 effect ~~June 1, 2009~~ July 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.