

SENATE BILL 518

A2

9lr2597
CF HB 217

By: **Senator Miller**

Introduced and read first time: February 5, 2009

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 creating a special beer, wine, and spirits tasting (BWST) license in the county;
5 providing for annual fees, application procedures, and certain requirements for
6 the license; specifying certain conditions under which a protest to a renewal of
7 an alcoholic beverages license in the county may occur; altering the time during
8 which a penalty may be imposed for late renewal of an alcoholic beverages
9 license in the county; imposing certain fines for the sale of alcoholic beverages to
10 an underage individual in the county; altering the salaries for the chairman,
11 members, and alternate member of the Calvert County Board of License
12 Commissioners; providing that this Act does not apply to the salary or
13 compensation of the incumbent chairman, members, and alternate member of
14 the Calvert County Board of License Commissioners; making certain stylistic
15 changes; and generally relating to alcoholic beverages in Calvert County.

16 BY repealing and reenacting, without amendments,
17 Article 2B – Alcoholic Beverages
18 Section 3–401(a), 5–101(a), 5–201(a)(1) and (f), 6–101(a)(1), 6–201(a)(1),
19 6–401(a)(1), 10–301(n)(1), and 12–108(a)(1)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2008 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article 2B – Alcoholic Beverages
24 Section 3–401(f), 5–101(f), 6–101(f), 6–201(f), 6–401(f), 10–301(a)(1)(iii) and
25 (n)(2), 12–108(a)(3)(i), and 15–109(f)
26 Annotated Code of Maryland
27 (2005 Replacement Volume and 2008 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article 2B – Alcoholic Beverages
2 Section 8–404.1A
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 3–401.

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

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

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

17 5–101.

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

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

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

27 5–201.

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

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

33 6–101.

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

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

8 6–201.

9 (a) (1) A Class B 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, and
11 the license authorizes its holder to keep for sale and sell all alcoholic beverages at
12 retail at any hotel or restaurant at the place described, for consumption on the
13 premises or elsewhere, or as provided in this section.

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

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

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

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

20 (3) (i) There is a Class BR beer, wine and liquor license which
21 authorizes licensees to sell beer, wine, and liquor in restaurants for on-sale
22 consumption with meals only.

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

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

26 (4) (i) In the 27th Legislative District of Calvert County, there is a
27 Class BLX license for luxury-type restaurants.

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

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

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

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

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

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

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

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

15 1. A common parent company;

16 2. A franchise agreement;

17 3. A licensing agreement;

18 4. A concession agreement;

19 5. Dual membership in a chain of businesses commonly
20 owned and operated;

21 6. A sharing of directors, stockholders, partners, or
22 members, or a sharing of directors, stockholders, partners, or members of parents or
23 subsidiaries;

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

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

28 6-401.

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

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

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

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

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

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

8 **8-404.1A.**

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

10 (B) **THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL**
11 **BEER, WINE AND SPIRITS TASTING (BWST) LICENSE TO A HOLDER OF A CLASS**
12 **A BEER AND WINE LICENSE OR A CLASS A BEER, WINE AND LIQUOR LICENSE.**

13 (C) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A BWST**
14 **LICENSE ENTITLES A HOLDER OF:**

15 (I) **A CLASS A BEER AND WINE LICENSE TO ALLOW**
16 **TASTINGS OF WINE OR BEER AND WINE; AND**

17 (II) **A CLASS A BEER, WINE AND LIQUOR LICENSE TO HOLD**
18 **TASTINGS OF WINE, BEER AND WINE, OR BEER, WINE AND LIQUOR.**

19 (2) **TO HOLD A TASTING, A HOLDER OF A BWST LICENSE SHALL**
20 **PROVIDE ALCOHOLIC BEVERAGES TO CONSUMERS AT NO CHARGE.**

21 (D) **A PERSON MAY CONSUME ALCOHOLIC BEVERAGES COVERED BY A**
22 **BWST LICENSE IN A QUANTITY NOT EXCEEDING:**

23 (1) **1 OUNCE FROM A SINGLE BRAND OF BEER OR WINE; AND**

24 (2) **ONE-HALF OUNCE FROM A SINGLE BRAND OF ANY OTHER**
25 **ALCOHOLIC BEVERAGE.**

26 (E) **A BWST LICENSE ENTITLES THE HOLDER TO HOLD TASTINGS 365**
27 **DAYS PER YEAR.**

1 (F) A SINGLE TASTING HELD UNDER A BWST LICENSE MAY NOT
2 EXCEED 3 HOURS.

3 (G) (1) AN APPLICANT FOR A BWST LICENSE SHALL SUBMIT TO THE
4 BOARD OF LICENSE COMMISSIONERS AN APPLICATION ON THE FORM THAT THE
5 BOARD OF LICENSE COMMISSIONERS PROVIDES.

6 (2) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A
7 BWST LICENSE WITHOUT A HEARING.

8 (3) A RENEWAL OF A BWST LICENSE SHALL BE MADE AT THE
9 TIME THAT THE CLASS A BEER AND WINE OR CLASS A BEER, WINE AND LIQUOR
10 LICENSE IS RENEWED.

11 (H) THE ANNUAL FEE FOR A BWST LICENSE IS:

12 (1) \$200, IF THE LICENSE IS USED FOR WINE;

13 (2) \$250, IF THE LICENSE IS USED FOR BEER OR WINE; AND

14 (3) \$300, IF THE LICENSE IS USED FOR BEER, WINE AND LIQUOR.

15 10-301.

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

20 2. In CALVERT COUNTY AND Charles County:

21 A. A protest shall specify the basis on which the protest
22 is made; AND

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

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

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

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

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

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

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

8 12-108.

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

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

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

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

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

20 **2. IN CALVERT COUNTY, IF THE VIOLATOR IS:**

21 **A. A LICENSEE, A FINE NOT EXCEEDING \$200; OR**

22 **B. AN EMPLOYEE OF A LICENSEE, A FINE NOT**
 23 **EXCEEDING \$250.**

24 15-109.

25 (f) In Calvert County:

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, §
5 35 of the Maryland Constitution, this Act may not be construed to extend or apply to
6 the salary or compensation of the chairman, members, and alternate member of the
7 Calvert County Board of License Commissioners in office on the effective date of this
8 Act, but the provisions of this Act concerning the salary or compensation of the
9 chairman, members, and alternate member of the Calvert County Board of License
10 Commissioners shall take effect at the beginning of the next following term of office.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2009.