

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1025

(Prince George's County Delegation)

Economic Matters

**Prince George's County - Alcoholic Beverages - Revocation of Class C Licenses
for After Hours Sales**
PG 321-09

This bill requires the Prince George's County Board of License Commissioners to revoke the license of a holder of a Class C beer, Class C beer and light wine, or Class C beer, wine, and liquor license as a result of a conviction for unlawfully making sales after hours if the conviction is the third time within three years that the holder has been convicted for the same violation. The bill applies only prospectively to a third conviction.

The bill takes effect July 1, 2009.

Fiscal Summary

State Effect: None.

Local Effect: Requiring the Prince George's County Board of License Commissioners to revoke a license for an establishment that has been convicted of making after hours sales will not affect county finances. Enforcement can be handled with existing resources.

Small Business Effect: None. It is assumed that the small businesses will comply with State and local laws.

Analysis

Current Law: A conviction for a violation of Prince George's County alcoholic beverage law includes: (1) a verdict or plea of guilty; or (2) the forfeiture of a bond or collateral accepted on any pending charge, warrant, or indictment before any court; or (3) the revocation or suspension of an alcoholic beverage license by the board because of a violation of any provision of law or board regulation. Two or more violations against the same licensee, agent, servant or employee or affecting the same premises occurring on the same day shall be considered to be one offense.

The Board of License Commissioners in Prince George's County may:

- Suspend any license issued for a minimum period of 30 days for any conviction of the licensee of a violation in or on the licensed premises of any of the provisions concerning an illegal sale of alcoholic beverages on Sunday, or for two or more convictions of different clerks, agents, employees, or servants of a licensee under the provisions of this article for a violation in or on the licensed premises of any of the provisions of this article concerning an illegal sale of alcoholic beverages on Sunday.
- Revoke any license if within a period of two years any licensee is convicted twice for violating in or on the licensed premises any of the provisions concerning an illegal sale of alcoholic beverages on Sunday, or if within that period there are two convictions of the same clerk, agent, employee, or servant of a licensee for any violation in or on the licensed premises concerning illegal sales of alcoholic beverages on Sunday.
- Revoke or suspend any license for any conviction of the licensee of any violation in or on the licensed premises of any of the laws of the State of Maryland concerning gambling or gaming, or for any two convictions of one or more of the clerks, agents, employees, or servants of a licensee of violations in or on the licensed premises concerning gambling or gaming, which offenses occurred within a period of two years.
- Revoke or suspend a license, whether new or by transfer, when the license has not been placed in operation after a period of six months from the date of the approval by the board of the new license or transfer of license.
- Revoke the license of a licensee who fails to comply with specified provisions regarding Class B-DD licenses for restaurants.

- Revoke the license of a licensee for a felony conviction of a licensee or any stockholder of a corporation having the use of an alcoholic beverages license or closing the licensed premises for more than 30 days without the board's permission. The board may allow a closing of the licensed premises for a reasonable period of time.
- Revoke or suspend the license of a licensee if a sole proprietorship, partnership, corporation, club, or association has not complied with the specified residency requirements.
- Revoke, suspend, or refuse to renew the license of a licensee, or refuse to issue a license to an applicant, if the licensee or applicant willfully failed or refused to pay hotel/motel taxes due and owed to the county within 60 days after the licensee or applicant received the first notice of delinquency.

Background: In fiscal 2008, there was one violation for selling alcoholic beverages after hours in Prince George's County.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince Georges County, Comptroller's Office, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2009
ncs/mwc

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