

HOUSE BILL 432

A2

0lr1403
CF 0lr1861

By: **Delegates Robinson, Anderson, Oaks, Rosenberg, and Tarrant**
Introduced and read first time: January 29, 2010
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Bottle Club Registrations – Transfer**

3 FOR the purpose of prohibiting the Board of License Commissioners for Baltimore
4 City under certain conditions from approving an application for the registration
5 of an establishment used as a bottle club; allowing a person to renew or extend
6 the registration of a certain establishment used as a bottle club; making the
7 registration of a bottle club nontransferable; and generally relating to the
8 registration of establishments used as bottle clubs in Baltimore City.

9 BY repealing and reenacting, with amendments,
10 Article 2B – Alcoholic Beverages
11 Section 20–102
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2009 Supplement)

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

16 **Article 2B – Alcoholic Beverages**

17 20–102.

18 (a) (1) In this section, “bottle club” means any establishment that serves,
19 gives, or allows alcoholic beverages to be consumed by patrons from supplies that the
20 patrons previously purchased or reserved.

21 (2) “Bottle club” does not include any establishment if a license for the
22 premises had been issued under the provisions of this article.

23 (b) This section applies only in Baltimore City.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (c) A bottle club may not give, serve, dispense, keep, or allow to be consumed
2 on its premises, or on premises under its control or possession, any alcoholic
3 beverages, setups, or other component parts of mixed alcoholic drinks after legal
4 closing hours for establishments under § 8–203(d) of this article.

5 (d) (1) Any person who owns or operates a bottle club shall register the
6 establishment with the Board of License Commissioners for Baltimore City and pay
7 the application fee that the Board sets.

8 (2) The registration shall include:

9 (i) The name of the establishment;

10 (ii) The address where the establishment is doing business; and

11 (iii) Evidence of all inspections required of the establishment
12 and business licenses issued to the person by the State or Baltimore City.

13 (3) (i) The Board shall meet the same notice and hearing
14 requirements for the application for registration that apply to an application for an
15 alcoholic beverages license.

16 (ii) Before the Board may approve an application and accept the
17 registration, the applicant shall provide copies of all inspections by the appropriate
18 agencies, a trader's license, a sales and use tax license, and a use and occupancy
19 permit.

20 (iii) **[At] SUBJECT TO SUBPARAGRAPH (IV) OF THIS**
21 **PARAGRAPH, AT** the hearing, the Board shall determine whether to register the
22 establishment, using the standards listed under § 10–202(a)(2)(ii) of this article.

23 **(IV) THE BOARD MAY NOT APPROVE AN APPLICATION FOR**
24 **THE REGISTRATION OF AN ESTABLISHMENT IF:**

25 **1. THE BOARD HAS REFUSED A PREVIOUS REQUEST**
26 **BY THE APPLICANT TO REGISTER ANY ESTABLISHMENT OR ISSUE OR RENEW**
27 **ANY CLASS OF LICENSE;**

28 **2. THE BOARD HAS REFUSED TO ISSUE ANY CLASS**
29 **OF LICENSE FOR THE PREMISES OF THE ESTABLISHMENT; OR**

30 **3. THE ESTABLISHMENT IS WITHIN 300 FEET OF THE**
31 **NEAREST POINT OF THE BUILDING OF A CHURCH OR SCHOOL.**

32 **(V) A PERSON WHOSE REGISTERED ESTABLISHMENT IS**
33 **LOCATED WITHIN 300 FEET OF THE NEAREST POINT OF THE BUILDING OF A**

1 CHURCH OR SCHOOL MAY RENEW OR EXTEND THE REGISTRATION FOR THE
2 SAME ESTABLISHMENT.

3 ~~[(iv)] (VI)~~ 1. A registration of a bottle club under this
4 subsection remains in effect for 1 year **AND IS NONTRANSFERABLE**.

5 2. Subject to subparagraph ~~[(v)] (VII)~~ of this paragraph,
6 a registration that is accepted by the Board may be renewed each year in accordance
7 with the same renewal procedures used for liquor licenses.

8 3. A person that seeks to renew a registration shall pay
9 the renewal fee that the Board establishes.

10 ~~[(v)] (VII)~~ 1. Subject to subsubparagraph 2 of this
11 subparagraph, the Board may not accept a renewal of a registration without a hearing
12 if a protest has been filed against the renewal at least 30 days before the expiration of
13 the registration.

14 2. A protest shall be:

15 A. Instituted by the Board; or

16 B. Signed by at least 10 residents, commercial tenants
17 who are not holders of or applicants for any license issued under this article, or real
18 estate owners in the immediate vicinity in which the bottle club is located.

19 ~~[(vi)] (VIII)~~ The Board may revoke or refuse to renew a
20 registration.

21 (e) A violation of this section is a misdemeanor, and upon conviction, the
22 court shall impose a fine of up to \$10,000 or imprisonment for up to 2 years, or both.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2010.