

HOUSE BILL 451

A2

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By: **Delegate Elmore**

Introduced and read first time: January 29, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Somerset County – Alcoholic Beverages – Sales to Underage Drinkers – Local**
3 **Caterer’s License Created**

4 FOR the purpose of authorizing the Somerset County Board of License Commissioners
5 to issue a local caterer’s license in the county only to the holders of certain Class
6 B restaurant or hotel (on–sale) licenses; providing that a caterer’s license issued
7 under this Act authorizes the holder to provide certain alcoholic beverages at
8 catered events held off the premises of the restaurant or hotel; requiring the
9 holder of a local caterer’s license to provide food as well as alcoholic beverages;
10 authorizing the holder of a caterer’s license issued under this Act to exercise the
11 privileges of the license that are allowed for the underlying Class B license;
12 adding Somerset County to the list of counties that do not bar the Board of
13 License Commissioners from proceeding administratively against the holder of
14 any alcoholic beverages license in the county for selling or providing alcoholic
15 beverages to a person under the age of 21 or to a person who was visibly under
16 the influence of alcoholic beverages, even though the holder of the license had
17 been granted probation before judgment for either of those violations; and
18 generally relating to alcoholic beverages in Somerset County.

19 BY adding to

20 Article 2B – Alcoholic Beverages

21 Section 6–714

22 Annotated Code of Maryland

23 (2005 Replacement Volume and 2009 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article 2B – Alcoholic Beverages

26 Section 12–108(a)

27 Annotated Code of Maryland

28 (2005 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article 2B – Alcoholic Beverages
3 Section 12–108(f)
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2009 Supplement)

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

8 **Article 2B – Alcoholic Beverages**

9 **6–714.**

10 (A) (1) THIS SECTION APPLIES ONLY IN SOMERSET COUNTY.

11 (2) IN THIS SECTION, “BOARD” MEANS THE BOARD OF LICENSE
12 COMMISSIONERS.

13 (B) THE ANNUAL LICENSE FEE IS \$550.

14 (C) (1) THE BOARD MAY ISSUE A CATERER’S LICENSE.

15 (2) IF A CATERER’S LICENSE IS ISSUED, IT SHALL BE ISSUED ONLY
16 TO A HOLDER OF:

17 (I) A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER
18 AND LIGHT WINE LICENSE; OR

19 (II) A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER,
20 WINE AND LIQUOR LICENSE.

21 (D) A CATERER’S LICENSE ISSUED UNDER THIS SECTION AUTHORIZES:

22 (1) THE HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE
23 TO PROVIDE BEER AND LIGHT WINE AT EVENTS THAT ARE HELD OFF THE CLASS
24 B RESTAURANT OR HOTEL (ON–SALE) BEER AND LIGHT WINE LICENSED
25 PREMISES; AND

26 (2) THE HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE
27 TO PROVIDE ALCOHOLIC BEVERAGES AT EVENTS THAT ARE HELD OFF THE
28 CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE AND LIQUOR
29 LICENSED PREMISES.

30 (E) THE HOLDER SHALL PROVIDE FOOD AS WELL AS ALCOHOLIC
31 BEVERAGES FOR CONSUMPTION AT THE CATERED EVENT.

1 **(F) A HOLDER MAY EXERCISE THE PRIVILEGES UNDER THIS LICENSE**
2 **ONLY DURING THE HOURS AND DAYS THAT ARE ALLOWED UNDER THIS ARTICLE**
3 **FOR THE UNDERLYING CLASS B LICENSE.**

4 **(G) THIS SECTION DOES NOT REQUIRE A HOLDER OF AN EXISTING**
5 **CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND LIGHT WINE LICENSE**
6 **OR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE AND LIQUOR**
7 **LICENSE TO HAVE A CATERER'S LICENSE FOR CATERING ON THE PREMISES**
8 **THAT IS COVERED BY THE CLASS B LICENSE.**

9 12-108.

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

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

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

16 (2) Any licensee or any employee of the licensee who is charged with a
17 violation of this subsection shall receive a summons to appear in court on a certain day
18 to answer the charges placed against that person. The person charged may not be
19 required to post bail bond pending trial in any court of this State.

20 (3) (i) A licensee or employee of the licensee violating any of the
21 provisions of this subsection is guilty of a misdemeanor and, upon conviction, is
22 subject to:

23 1. The penalties provided by § 16-503 of this article; and

24 2. In Calvert County, if the violator is:

25 A. A licensee, a fine not exceeding \$200; or

26 B. An employee of a licensee, a fine not exceeding \$250.

27 (ii) A licensee or employee of the licensee who is charged with
28 selling or furnishing any alcoholic beverages to a person under 21 years of age may not
29 be found guilty of a violation of this subsection, if the person establishes to the
30 satisfaction of the jury or the court sitting as a jury that the person used due caution
31 to establish that the person under 21 years of age was not, in fact, a person under 21
32 years of age if a nonresident of the State.

1 (iii) The licensee or employee of the licensee may accept, as proof
2 of a person's age:

3 1. If the person is a resident of the State, the person's
4 driver's license or identification card as provided for in the Maryland Vehicle Law; or

5 2. A United States military identification card.

6 (iv) Except as otherwise provided in this section, if any licensee
7 or employee of the licensee is found not guilty, or placed on probation without a
8 verdict, of any alleged violation of this subsection, this finding operates as a complete
9 bar to any proceeding by any alcoholic beverage law enforcement or licensing
10 authorities against the licensee on account of the alleged violation.

11 (f) (1) This subsection applies in the following jurisdictions:

12 (i) City of Annapolis;

13 (ii) Cecil County;

14 (iii) Charles County;

15 (iv) Dorchester County;

16 (v) Garrett County;

17 (vi) Howard County;

18 (vii) Kent County;

19 (viii) Montgomery County;

20 (ix) St. Mary's County;

21 **(X) SOMERSET COUNTY;**

22 ~~[(x)]~~ **(XI)** Washington County; and

23 ~~[(xi)]~~ **(XII)** Wicomico County.

24 (2) The granting of probation before judgment to a licensee or
25 employee of the licensee for violating subsection (a) of this section does not bar the
26 Board of License Commissioners from proceeding administratively against the licensee
27 for the violation.

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