

HOUSE BILL 570

A2

0lr0735

HB 1027/09 – ECM

By: **Prince George's County Delegation**

Introduced and read first time: February 3, 2010

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2010

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Extinguishment of Licenses**

3 **PG 306–10**

4 FOR the purpose of ~~requiring the Prince George's County Board of License~~
5 ~~Commissioners to declare an alcoholic beverages license to be extinguished~~
6 ~~under certain circumstances; authorizing a person to obtain a certain license in~~
7 Prince George's County for the purpose of having the Board of License
8 Commissioners declare the license to be extinguished; requiring the Board to
9 declare the license to be extinguished at a certain time; requiring a person that
10 obtains a certain license for certain purposes to take certain actions and
11 prohibiting the person from taking certain actions; authorizing the Board to
12 impose a certain penalty for certain violations; specifying that an extinguished
13 license may not be replaced by the Board and that an extinguished license
14 counts as one in a certain list of licenses; providing an exception to a certain
15 licensing restriction; and generally relating to alcoholic beverages licenses in
16 Prince George's County.

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 9–102(a) and 9–217(b)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2009 Supplement)

22 BY repealing and reenacting, without amendments,

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.



Article 2B – Alcoholic Beverages
 Section 9–217(a)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2009 Supplement)

BY adding to
 Article 2B – Alcoholic Beverages
 Section 9–217(b–1)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

9–102.

(a) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State, and no more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, and 6–701 of this article, and nothing herein shall be construed to apply to § 6–201(r)(4), (15), and (17), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, **§ 9–217(B–1)**, or § 12–202 of this article.

9–217.

(a) This section applies only in Prince George’s County.

(b) **[The] SUBJECT TO SUBSECTION (B–1) OF THIS SECTION, THE** number of licenses of each class of alcoholic beverage licenses may not exceed the following maximum amounts:

(1)	Beer license, Class A	19
(2)	Beer license, Class B	23
(3)	Beer license, Class C	3
(4)	Beer license, Class D	76
(5)	Beer and light wine license, Class A	26
(6)	Beer and light wine license, Class B	45

1	(7)	Beer and light wine license, Class B–GC	4
2	(8)	Beer and light wine license, Class B–Stadium.....	1
3	(9)	Beer and light wine license, Class C	8
4	(10)	Beer and light wine license, Class D	55
5	(11)	Beer, wine and liquor license, Class A	142
6	(12)	Beer, wine and liquor license, Class B	185
7	(13)	Beer, wine and liquor license, Class BCE	8
8	(14)	Beer, wine and liquor license, Class B–CI	2
9	(15)	Reserved.	
10	(16)	Beer, wine and liquor license, Class B/ECF	1
11	(17)	Beer, wine and liquor license, Class B–ECF/DS	1
12	(18)	Beer, wine and liquor license, Class B–ECR	1
13	(19)	Beer, wine and liquor license, Class B–Stadium.....	1
14	(20)	Beer, wine and liquor license, Class C	
15	(i)	Under § 6–301(r)(2)	30
16	(ii)	Under § 6–301(r)(3)	25
17	(iii)	Under § 6–301(r)(4)	4
18	(iv)	Under § 6–301(r)(5)	12
19	(v)	Under § 6–301(r)(7)	1

~~(B-1) (1) THE BOARD OF LICENSE COMMISSIONERS SHALL DECLARE A
 LICENSE TO BE EXTINGUISHED IF THE HOLDER OF THE LICENSE:~~

~~(i) INFORMS THE BOARD IN WRITING OF THE INTENT NOT
 TO OPERATE AN ESTABLISHMENT FOR WHICH THE LICENSE WAS ISSUED; AND~~

~~(H) PROVIDES EVIDENCE TO SATISFY THE BOARD THAT ALL TAXES OR OBLIGATIONS TO WHOLESALERS OR OTHER PERSONS HAVE BEEN PAID.~~

(B-1) (1) A PERSON MAY OBTAIN A CLASS A LICENSE OF ANY KIND FOR THE PURPOSE OF HAVING THE BOARD OF LICENSE COMMISSIONERS DECLARE THE LICENSE TO BE EXTINGUISHED.

(2) (I) THE PERSON SHALL INFORM THE BOARD OF LICENSE COMMISSIONERS OF THE PURPOSE FOR OBTAINING THE LICENSE.

(II) THE BOARD OF LICENSE COMMISSIONERS SHALL DECLARE THE LICENSE TO BE EXTINGUISHED WHEN THE PERSON COMES INTO POSSESSION OF THE LICENSE.

(3) WITHIN 10 DAYS AFTER HAVING COME INTO POSSESSION OF THE LICENSE, THE PERSON SHALL:

(I) SURRENDER THE LICENSE TO THE BOARD OF LICENSE COMMISSIONERS; AND

(II) PROVIDE EVIDENCE TO SATISFY THE BOARD THAT ALL TAXES OR OBLIGATIONS TO WHOLESALERS OR OTHER PERSONS HAVE BEEN PAID.

(4) A PERSON THAT OBTAINS A LICENSE UNDER THIS SUBSECTION MAY NOT EXERCISE THE PRIVILEGES OF, SELL, ASSIGN, OR APPLY FOR TRANSFER OF THE LICENSE.

(5) THE BOARD OF LICENSE COMMISSIONERS MAY IMPOSE ON A PERSON WHO VIOLATES THIS SUBSECTION A PENALTY NOT EXCEEDING \$1,000.

~~(2)~~ (6) A LICENSE THAT IS EXTINGUISHED UNDER THIS SUBSECTION:

(I) MAY NOT BE REPLACED BY THE BOARD; AND

(II) COUNTS AS ONE OF THE NUMBER OF LICENSES IN THE APPROPRIATE CLASS LISTED IN SUBSECTION (B) OF THIS SECTION.

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