

## Chapter 599

(Senate Bill 1028)

AN ACT concerning

### **Baltimore County – Alcoholic Beverages – License Transfers**

FOR the purpose of providing in Baltimore County that Class B or Class D alcoholic beverages licenses transferred under certain provisions of law be added to certain totals of transferred licenses that are computed for certain purposes; making certain technical changes; and generally relating to alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 8–204.8  
Annotated Code of Maryland  
(2011 Replacement Volume and 2012 Supplement)

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

### **Article 2B – Alcoholic Beverages**

8–204.8.

(a) This section applies only in Baltimore County.

(b) (1) Subject to § 8–204.7 of this subtitle and paragraph (2) of this subsection, from May 1, 2012, to April 30, 2017, both inclusive, the Board of Liquor License Commissioners may authorize the transfer of a Class B or Class D license in existence in election district 15 on May 1, 2012, to an election district in which the number of licenses in existence, on the date of approval of the transfer, is not greater than 25% more than the number of licenses that would otherwise exist in that election district, based on the rule of the Board of Liquor License Commissioners that limits the total number of licenses available in an election district by population.

(2) Not more than two licenses may be transferred under this subsection into any single election district each year from May 1, 2012, to April 30, 2017, both inclusive.

(c) (1) In accordance with this subsection, the Board of Liquor License Commissioners shall:

(i) Approve the transfer of Class B or Class D licenses from election district 15 to any other election district in the County; or

(ii) Issue new Class B Service Bar (SB) licenses under subsection (d) of this section.

(2) On or before April 30, 2013, the Board shall:

(i) Approve the transfer of five Class B or Class D licenses **UNDER SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE**; or

(ii) If five licenses are not transferred, issue new Class B Service Bar (SB) licenses so that the number of licenses transferred or issued since May 1, 2012, totals five.

(3) On or before April 30, 2014, the Board shall:

(i) Approve the transfer of Class B or Class D licenses **UNDER SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE** so that the cumulative number of licenses transferred or issued [under this subsection] since May 1, 2012, totals at least 10; or

(ii) If the number of licenses transferred under item (i) of this paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the cumulative number of licenses transferred or issued [under this subsection] since May 1, 2012, equals 10.

(4) On or before April 30, 2015, the Board shall:

(i) Approve the transfer of Class B or Class D licenses **UNDER SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE** so that the cumulative number of licenses transferred or issued [under this subsection] since May 1, 2012, totals at least 15; or

(ii) If the number of licenses transferred under item (i) of this paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the cumulative number of licenses transferred or issued [under this subsection] since May 1, 2012, equals 15.

(5) On or before April 30, 2016, the Board shall:

(i) Approve the transfer of Class B or Class D licenses **UNDER SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE**

so that the cumulative number of licenses transferred or issued [under this subsection] since May 1, 2012, totals at least 20; or

(ii) If the number of licenses transferred under item (i) of this paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the cumulative number of licenses transferred or issued [under this subsection] since May 1, 2012, equals 20.

(6) On or before April 30, 2017, the Board shall:

(i) Approve the transfer of Class B or Class D licenses **UNDER SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE** so that the cumulative number of licenses issued or transferred [under this subsection] since May 1, 2012, totals at least 25; or

(ii) If the number of licenses transferred under item (i) of this paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the cumulative number of licenses issued or transferred [under this subsection] since May 1, 2012, equals 25.

(7) In any year, if the Board approves the transfer of more Class B or Class D licenses than are needed to meet the minimum total required for that year, the excess will be counted against the minimum total required for the next year.

(8) The date a license is transferred under this subsection is the date of final, nonappealable approval of the application for a new license or for license transfer by the Board.

(d) (1) A Class B Service Bar (SB) beer and wine license may be issued only in compliance with this subsection.

(2) A Class B Service Bar (SB) license may be used only in the operation of a restaurant, as defined by the Board of Liquor License Commissioners and this article, that maintains average daily receipts from the sale of food of at least 60% of the total daily receipts of the establishment.

(3) A Class B Service Bar (SB) license shall allow on-premises sales of beer and wine only.

(4) A Class B Service Bar (SB) license allows alcoholic beverages to be served to patrons only as part of a meal.

(5) (i) A Class B Service Bar (SB) license shall be restricted to restaurants that have table service.

(ii) A Class B Service Bar (SB) license does not allow service to a customer who is standing or accepting delivery of purchased food or beverage items other than while seated at a table.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, the proposed location of the restaurant for which a Class B Service Bar (SB) license is sought shall comply with the zoning ordinances of Baltimore County, including allowing seating for not fewer than 30 customers and not more than 100 customers.

(ii) The license may not be used in conjunction with the viewing of televised sporting events or the use of live bands, disc jockeys, karaoke, or any other form of live entertainment.

(7) A Class B or D license transferred under subsection (b) of this section or a Class B Service Bar (SB) license issued under this subsection may not thereafter be transferred from the licensed premises or converted to another class of license.

(8) Not more than one Class B Service Bar (SB) license may be issued in any one election district per year.

(9) A Class B Service Bar (SB) license may not be issued for use on premises or a location for which any on-sale license has been issued within 2 years before the application for the Class B Service Bar (SB) license is filed.

(10) Any person, including an individual or sole proprietorship, partnership, corporation, unincorporated association, and limited liability company, may not have a direct or indirect interest as defined in § 9-102(b-3B) of this article in more than one Class B Service Bar (SB) license.

(e) The annual fee for a Class B Service Bar (SB) beer and wine license issued under this section is \$5,000.

(f) (1) When a license is transferred from election district 15 to another election district under this section, the license may not be construed to exist in election district 15.

(2) Subject to the 25% allowance authorized in subsection (b) of this section, a license transferred under this section shall be considered by the Board of Liquor License Commissioners as a regular license and not an exception license for determining the total number of licenses available in any election district based on the rule of the Board of Liquor License Commissioners that limits the total number of licenses available by population.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013.

**Approved by the Governor, May 16, 2013.**