

HOUSE BILL 131

A2

4r0751
CF SB 302

By: **Montgomery County Delegation**

Introduced and read first time: January 13, 2014

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2014

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – City of Takoma Park – Alcoholic Beverages – Class B**
3 **On- and Off-Sale License**

4 **MC 18-14**

5 FOR the purpose of continuing an off-sale privilege to the Class B beer and light wine
6 license issued for hotels and restaurants in the City of Takoma Park; and
7 generally relating to Class B beer and light wine, hotel and restaurant licenses
8 in the City of Takoma Park.

9 BY repealing and reenacting, without amendments,
10 Article 2B – Alcoholic Beverages
11 Section 8-216(d)
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,
15 Chapter 390 of the Acts of the General Assembly of 2012
16 Section 2

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

19 **Article 2B – Alcoholic Beverages**

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.



1 8-216.

2 (d) (1) The Montgomery County Board of License Commissioners may
3 issue, renew, and transfer and otherwise provide for 8 classes of alcoholic beverages
4 licenses in the City of Takoma Park as follows:

5 (i) Class B (on- and off-sale) beer and light wine, hotel and
6 restaurant licenses;

7 (ii) Class H (on-sale) beer and light wine, hotel and restaurant
8 licenses;

9 (iii) Class B (on-sale) beer, wine and liquor, hotel and restaurant
10 licenses;

11 (iv) Class H-TP (on-sale) beer license;

12 (v) Class D-TP (on- and off-sale) beer and light wine license;

13 (vi) Class A-TP (off-sale) beer, wine and liquor license;

14 (vii) Class C-TP (on-sale) beer, wine and liquor license; and

15 (viii) Beer and wine sampling or tasting (BWST) licenses issued
16 under § 8-408.2 of this title.

17 (2) (i) The provisions of this paragraph apply only to
18 Class -TP type licenses.

19 (ii) The Prince George's County Board of License
20 Commissioners shall certify a list to the Montgomery County Board of License
21 Commissioners of the alcoholic beverages licenses as of June 30, 1997, in that portion
22 of the City of Takoma Park that became part of Montgomery County on July 1, 1997.

23 (iii) On July 1, 1997, the Montgomery County Board shall issue
24 Class -TP type licenses to those licensees who were certified by the Prince George's
25 County Board. License fees may not be charged until May 1, 1998.

26 (iv) Unless revoked or not renewed for good cause, the certified
27 licenses shall continue in existence and be renewed, subject to payment of the annual
28 license fee.

29 (v) The Class -TP type licenses are not transferable to other
30 locations but are transferable to other persons, subject to the restrictions on similar
31 transfers for other alcoholic beverages licenses in Montgomery County.

1 (vi) Class –TP licenses are subject to the same conditions and
2 restrictions specified by law or by the Montgomery County Board of License
3 Commissioners as are other licenses issued by the Board. However, the Board may
4 waive whatever statutory and regulatory provisions it so chooses for the affected
5 licenses so that equity, fairness, and reasonableness are achieved.

6 (vii) The Montgomery County Department of Health and Human
7 Services may not charge an annual fee to the Class –TP licensees until January 1,
8 1998.

9 (3) (i) Notwithstanding that Class –TP licensees as of July 1, 1997
10 are subject to Montgomery County laws and regulations, those same licensees may
11 retain the particular Prince George’s County alcoholic beverages license they
12 possessed prior to unification.

13 (ii) The Prince George’s County license shall remain valid in
14 every sense except that it does not apply to the licensed premises to which the
15 Class –TP license applies, but is an open–location license. The Prince George’s County
16 licensee may transfer, to another person or to a new location with the same licensee,
17 the license into Prince George’s County without statutory or regulatory restriction.

18 (iii) While the Class –TP licensee remains in the same location
19 where it was located on July 1, 1997, another license issued by Prince George’s County
20 may not be granted or transferred to another Prince George’s licensee if the premises
21 for which that license was issued is located within 300 feet of the premises licensed
22 under the Class –TP license.

23 Chapter 390 of the Acts of 2012

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2012. [It shall remain effective for a period of 2 years and, at the end of June
26 30, 2014, with no further action required by the General Assembly, this Act shall be
27 abrogated and of no further force and effect.]

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2014.