

HOUSE BILL 269

A2

4r1314
CF SB 459

By: **Montgomery County Delegation**

Introduced and read first time: January 20, 2014

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2014

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Class B Beer, Wine and Liquor**
3 **(Clubhouse/Lodge) License**

4 **MC 20-14**

5 FOR the purpose of establishing in Montgomery County a special Class B beer, wine
6 and liquor (BWL) (clubhouse/lodge) license; specifying ~~the type of facility to~~
7 ~~which~~ that the Board of License Commissioners may issue a Class B-BWL
8 (clubhouse/lodge) license only to a certain person for use by a certain facility;
9 specifying that a Class B-BWL (clubhouse/lodge) license authorizes a holder to
10 serve certain alcoholic beverages on the licensed premises, off the licensed
11 premises, or for tasting purposes at no charge or for a fee; specifying that
12 certain restrictions do not apply to the issuance of a Class B-BWL
13 (clubhouse/lodge) license; specifying an annual license fee; authorizing the
14 Executive Director of the Montgomery County Revenue Authority to hold more
15 than one Class B-BWL (clubhouse/lodge) license for the use of certain public
16 golf courses; and generally relating to alcoholic beverages in Montgomery
17 County.

18 BY repealing and reenacting, without amendments,
19 Article 2B – Alcoholic Beverages
20 Section 6-201(q)(1) and (2)
21 Annotated Code of Maryland
22 (2011 Replacement Volume and 2013 Supplement)

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 BY adding to
 2 Article 2B – Alcoholic Beverages
 3 Section 6–201(q)(5)
 4 Annotated Code of Maryland
 5 (2011 Replacement Volume and 2013 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article 2B – Alcoholic Beverages
 8 Section 9–102.2
 9 Annotated Code of Maryland
 10 (2011 Replacement Volume and 2013 Supplement)

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

13 **Article 2B – Alcoholic Beverages**

14 6–201.

15 (q) (1) (i) This subsection applies only in Montgomery County.

16 (ii) 1. In this subsection the following words have the
 17 meanings indicated.

18 2. “Board” means the Board of License Commissioners.

19 3. “Dining area” means the area occupied by patrons for
 20 the consumption of food and includes a cocktail area where food need not be served if
 21 there is no separate outdoor entrance to the cocktail area.

22 (2) (i) 1. The Board may issue this license only to the owner of
 23 any restaurant or hotel.

24 2. The restaurant shall be located in the second, third,
 25 fourth, sixth, seventh, eighth, ninth, tenth, or thirteenth election districts.

26 3. The licensee may not be located in the Towns of
 27 Poolesville, Takoma Park, and Kensington.

28 (ii) 1. As a prerequisite for the initial issuance of a license
 29 under this subsection, the owner shall attest in a sworn statement that gross receipts
 30 from food sales in the restaurant or hotel will be at least equal to the gross receipts
 31 from the sale of alcoholic beverages.

32 2. As a prerequisite for each renewal of a license issued
 33 under this subsection, the owner shall attest in a sworn statement that the gross
 34 receipts from food sales in the restaurant or hotel for the 12–month period

1 immediately preceding the application for renewal have been at least equal to the
2 gross receipts from the sale of alcoholic beverages.

3 3. The Board by regulation shall provide for periodic
4 inspection of the premises and for audits to determine the ratio of gross receipts from
5 the sale of food to gross receipts from the sale of alcoholic beverages.

6 4. Any regulations adopted by the Board shall include a
7 requirement of at least monthly physical inspections of the premises during the initial
8 license year of any licensee and the submission by the licensee to the Board, during
9 the initial license year, of monthly statements showing gross receipts from the sale of
10 food and gross receipts from the sale of alcoholic beverages for the immediately
11 preceding month.

12 5. In the event that a licensee, during the initial license
13 year, fails to maintain the sales ratio requirement provided in this paragraph for a
14 period of three consecutive months or after the initial license year for each license or
15 calendar year, the Board, in its discretion, may revoke the license. The Board may
16 require any licensee to provide supporting data as it, in its discretion, deems
17 necessary, in order to establish that the requirements of this section relating to the
18 ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages
19 have been met.

20 (iii) A license issued under this subsection authorizes its holder
21 to keep for sale and sell alcoholic beverages for consumption on the premises only, and
22 alcoholic beverages may not be served to patrons or consumed at any bar, counter
23 without seats, or other room but in the dining area. However, the seats in the cocktail
24 area may not exceed 25 percent of the seats normally available for the general public
25 in the dining area, including the cocktail area portion, but excluding special banquet
26 and private party facilities.

27 (iv) Signs visible from the exterior of the building, advertising
28 the sale of alcoholic beverages, are not permitted in connection with any restaurant or
29 hotel holding a license issued under the provisions of this section except for the display
30 of the menu then in use by the licensee.

31 (v) 1. The annual license fee is \$2,500.

32 2. For the third license that is not restricted by location
33 and is obtained by a licensee under § 9–102.1 of this article, the annual fee is \$5,000.

34 **(5) (I) THERE IS A SPECIAL CLASS B LICENSE KNOWN AS A**
35 **CLASS B–BWL (CLUBHOUSE/LODGE) LICENSE.**

36 **(II) THE BOARD MAY ISSUE A CLASS B–BWL**
37 **(CLUBHOUSE/LODGE) LICENSE ONLY TO THE EXECUTIVE DIRECTOR OF THE**
38 **MONTGOMERY COUNTY REVENUE AUTHORITY, OR THE EXECUTIVE**

1 DIRECTOR'S DESIGNEE, FOR USE BY A MULTI-USE FACILITY THAT
 2 ACCOMMODATES A GOLF COURSE, A RESTAURANT, A CLUBHOUSE, A TASTING
 3 BAR, AND THE CATERING OF EVENTS ANYWHERE ON THE PROPERTY.

4 (III) A CLASS B-BWL (CLUBHOUSE/LODGE) LICENSE
 5 AUTHORIZES THE HOLDER TO:

6 1. SELL BEER AND WINE FOR CONSUMPTION OFF
 7 THE LICENSED PREMISES;

8 2. SELL BEER, WINE, AND LIQUOR FOR
 9 CONSUMPTION ON THE LICENSED PREMISES; AND

10 3. OFFER SAMPLES OF ALCOHOLIC BEVERAGES AT
 11 NO CHARGE OR FOR A FEE.

12 (IV) THE RESTRICTIONS CONTAINED IN PARAGRAPH (2) OF
 13 THIS SUBSECTION DO NOT APPLY TO THE ISSUANCE OF A CLASS B-BWL
 14 (CLUBHOUSE/LODGE) LICENSE.

15 (V) THE ANNUAL LICENSE FEE FOR A CLASS
 16 B-BWL (CLUBHOUSE/LODGE) LICENSE IS \$1,000.

17 9-102.2.

18 (a) (1) The Director or Deputy Director of the Montgomery County Parks
 19 Department of the Maryland-National Capital Park and Planning Commission may
 20 hold more than one of the following alcoholic beverages licenses for the limited use of
 21 public golf courses that are under the Commission's jurisdiction in Montgomery
 22 County:

23 (i) A Class H beer (on-sale) license; or

24 (ii) A Class H beer and light wine (on-sale) license.

25 (2) The Executive Director of the Montgomery County Revenue
 26 Authority or the Executive Director's designee may hold more than one of the
 27 following alcoholic beverages licenses for the limited use of public golf courses that are
 28 under the jurisdiction of the Revenue Authority:

29 (i) A Class H beer (on-sale) license; [or]

30 (ii) A Class H beer and light wine (on-sale) license; OR

1 (III) A CLASS B-BWL (CLUBHOUSE/LODGE) (BEER AND
2 WINE OFF-SALE; BEER, WINE, AND LIQUOR ON-SALE) LICENSE.

3 (3) A license issued under paragraph (2) of this subsection shall be
4 signed by the Revenue Authority's Executive Director or the Executive Director's
5 designee.

6 (b) (1) As a condition to holding any license under this section, the
7 Director or Deputy Director of the Montgomery County Parks Department of the
8 Maryland-National Capital Park and Planning Commission or the Executive Director
9 of the Montgomery County Revenue Authority or the Executive Director's designee,
10 respectively, shall designate an individual with respect to each golf course to complete
11 training in an alcohol awareness program approved under § 13-101 of this article.

12 (2) The individual designated to complete training in an alcohol
13 awareness program under paragraph (1) of this subsection shall:

14 (i) Represent the concessionaire; and

15 (ii) Be involved with the management of the sale of beer or light
16 wine by the concessionaire at the golf course.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.