

# SENATE BILL 302

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4r1758  
CF HB 131

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By: **Montgomery County Senators**

Introduced and read first time: January 17, 2014

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

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

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

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

18 **Article 2B – Alcoholic Beverages**

19 8–216.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (vi) Class -TP licenses are subject to the same conditions and  
32 restrictions specified by law or by the Montgomery County Board of License  
33 Commissioners as are other licenses issued by the Board. However, the Board may

1 waive whatever statutory and regulatory provisions it so chooses for the affected  
2 licenses so that equity, fairness, and reasonableness are achieved.

3 (vii) The Montgomery County Department of Health and Human  
4 Services may not charge an annual fee to the Class –TP licensees until January 1,  
5 1998.

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

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

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

20 **Chapter 390 of the Acts of 2012**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 2012. [It shall remain effective for a period of 2 years and, at the end of June  
23 30, 2014, with no further action required by the General Assembly, this Act shall be  
24 abrogated and of no further force and effect.]

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.