

SENATE BILL 426

A2

5lr2655
CF HB 90

By: **Senator Madaleno**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – ~~Waiver of License Requirements~~**

3 FOR the purpose of ~~authorizing the Montgomery County Board of License Commissioners,~~
4 ~~on the affirmative vote of a certain number of members, to waive~~ providing that an
5 applicant who is a resident of the State meets certain registered voter and residency
6 requirements for an applicant for an alcoholic beverages license if the application is
7 made for a partnership; ~~authorizing the Board, on the affirmative vote of a certain~~
8 ~~number of members, to waive~~ providing that an applicant who is a resident of the
9 State meets certain registered voter, taxpayer, and residency requirements for an
10 applicant for an alcoholic beverages license if the application is made for a certain
11 corporation or club; ~~authorizing the Board, on the affirmative vote of a certain~~
12 ~~number of members, to waive~~ providing that an applicant who is a resident of the
13 State meets certain registered voter, taxpayer, and residency requirements for an
14 applicant for an alcoholic beverages license if the application is made for a limited
15 liability company; ~~authorizing the Board, on the affirmative vote of a certain number~~
16 ~~of members, to waive~~ providing that an applicant who is a resident of the State meets
17 a certain residency requirement for an applicant for an alcoholic beverages license;
18 ~~requiring the Board to obtain certain criminal records of an applicant for an alcoholic~~
19 ~~beverages license from a certain local police department under certain~~
20 ~~circumstances;~~ and generally relating to ~~waivers of~~ requirements for alcoholic
21 beverages licenses in Montgomery County.

22 BY repealing and reenacting, without amendments,

23 Article 2B – Alcoholic Beverages

24 Section 9–101(a)(1)

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 Annotated Code of Maryland
2 (2011 Replacement Volume and 2014 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article 2B – Alcoholic Beverages
5 Section 9–101(a)(2)(i), (b)(1), and (c)(1) and 10–103(b)(4) ~~and (13)(iv)~~
6 Annotated Code of Maryland
7 (2011 Replacement Volume and 2014 Supplement)

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

10 **Article 2B – Alcoholic Beverages**

11 9–101.

12 (a) (1) A license may not be issued to a partnership, to a corporation, or to a
13 limited liability company, but only to individuals authorized to act for a partnership,
14 corporation, or limited liability company who shall assume all responsibilities as
15 individuals, and be subject to all of the penalties, conditions and restrictions imposed upon
16 licensees under the provisions of the Tax – General Article that relate to the alcoholic
17 beverage tax and the provisions of this article. If the application is made for a partnership,
18 the license shall be applied for and be issued to all the partners as individuals, all of whom
19 shall have resided in the city or county in which the place of business is located for at least
20 2 years prior to the application.

21 (2) (i) ~~1.~~ In Montgomery County, if the application is made for a
22 partnership, the license shall be applied for and issued to at least 2 general partners as
23 individuals, at least one of whom is a ~~registered voter of the county where the application~~
24 ~~is made~~ **RESIDENT OF THE STATE** and resides there at the time of the application.

25 ~~2.~~ If there is only one general partner, the license shall be
26 issued to that partner as an individual, if that partner is a ~~registered voter of the county~~
27 ~~where the application is made~~ **RESIDENT OF THE STATE** and resides there at the time of
28 application.

29 ~~3. ON THE AFFIRMATIVE VOTE OF AT LEAST FOUR OF~~
30 ~~THE FIVE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD MAY~~
31 ~~WAIVE THE REGISTERED VOTER AND RESIDENCY REQUIREMENTS UNDER THIS~~
32 ~~SUBPARAGRAPH.~~

33 (b) (1) (I) **[If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
34 **PARAGRAPH, IF** the application is made for a corporation, or a club, whether incorporated
35 or unincorporated, the license shall be applied for by and be issued to three of the officers
36 of that corporation or club, as individuals, for the use of the corporation or club, at least one
37 of whom shall be a registered voter and taxpayer of the county or city, or State of Maryland

1 when the application is filed with the Comptroller, and shall also have resided therein, at
2 least two years prior to the application.

3 **(II) IN MONTGOMERY COUNTY, ~~ON THE AFFIRMATIVE VOTE OF~~**
4 **~~AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE~~**
5 **~~COMMISSIONERS, THE BOARD MAY WAIVE~~ AN INDIVIDUAL WHO IS A RESIDENT OF**
6 **THE STATE MEETS THE REGISTERED VOTER, TAXPAYER, AND RESIDENCY**
7 **REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

8 (c) (1) (i) Except as provided in subparagraphs (ii) [and], (iii), AND (IV) of
9 this paragraph, if the application is made for a limited liability company, the license shall
10 be applied for by and be issued to 3 of the authorized persons of that limited liability
11 company, as individuals, for the use of the limited liability company, at least 1 of whom
12 shall be a registered voter and taxpayer of the county or city, or the State when the
13 application is filed with the Comptroller, and shall also have resided there at least 2 years
14 before the application.

15 (ii) In Baltimore City, an authorized person of a limited liability
16 company who holds an alcoholic beverages license for the use of the limited liability
17 company that was granted on or before June 1, 2012, need not be a registered voter in
18 Baltimore City.

19 (iii) Subject to subsection (a)(3) of this section, this paragraph applies
20 in Harford County.

21 **(IV) IN MONTGOMERY COUNTY, ~~ON THE AFFIRMATIVE VOTE OF~~**
22 **~~AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE~~**
23 **~~COMMISSIONERS, THE BOARD MAY WAIVE~~ AN INDIVIDUAL WHO IS A RESIDENT OF**
24 **THE STATE MEETS THE REGISTERED VOTER, TAXPAYER, AND RESIDENCY**
25 **REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

26 10-103.

27 (b) Except as otherwise provided in this subtitle, every new application for a
28 license shall be made to the Board of License Commissioners on forms prescribed by the
29 Comptroller and sworn to by the applicant. Every application for a license shall contain the
30 following:

31 (4) (i) Except as provided in subparagraphs (iii) [and], (v), AND (VII) of
32 this paragraph, a statement that the applicant has been for two years next preceding the
33 filing of the application a resident of the county or of the City of Baltimore in which the
34 applicant proposes to operate under the license applied for.

35 (ii) The Board of License Commissioners of Prince George's County
36 shall apply the residency requirements as specified in § 9-101 of this article.

1 (iii) In Dorchester County the residency requirement is 1 year.

2 (iv) In Carroll County, in addition to the applicant's residential
3 statement required under this section, the license shall remain valid only for as long as the
4 resident applicant remains a resident of the county.

5 (v) In Baltimore County, a statement that the applicant has been for
6 2 years next preceding the filing of the application a resident of the State is required.

7 (vi) An applicant for a license issued in the City of Annapolis may
8 meet the residency requirement by residing anywhere in Anne Arundel County.

9 (VII) IN MONTGOMERY COUNTY, ~~ON THE AFFIRMATIVE VOTE OF~~
10 ~~AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE~~
11 ~~COMMISSIONERS, THE BOARD MAY WAIVE~~ AN INDIVIDUAL WHO IS A RESIDENT OF
12 THE STATE MEETS THE RESIDENCY REQUIREMENT UNDER SUBPARAGRAPH (I) OF
13 THIS PARAGRAPH.

14 ~~(13) (iv) In Montgomery County:~~

15 ~~1. The Board of License Commissioners shall:~~

16 ~~A. Obtain criminal records of alcoholic beverages license~~
17 ~~applicants from the Central Repository and the Montgomery County Police OR, IF THE~~
18 ~~BOARD OF LICENSE COMMISSIONERS VOTES TO WAIVE THE RESIDENCY~~
19 ~~REQUIREMENT AS PROVIDED UNDER PARAGRAPH (4)(VII) OF THIS SUBSECTION,~~
20 ~~THE LOCAL POLICE DEPARTMENT WHERE THE APPLICANT IS A RESIDENT;~~

21 ~~B. Require applicants for alcoholic beverages licenses in the~~
22 ~~county to be fingerprinted; and~~

23 ~~C. Forward the fingerprints through the Central Repository~~
24 ~~for transmittal to the Federal Bureau of Investigation for a national criminal history~~
25 ~~records check; and~~

26 ~~2. Applicants for license renewal may be subject to these~~
27 ~~provisions.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2015.