

HOUSE BILL 448

A2

8lr3136
CF SB 395

By: **Baltimore City Delegation**

Introduced and read first time: January 25, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages License – Residency and Registered Voter**
3 **Requirements**

4 FOR the purpose of exempting certain individuals who apply for alcoholic beverages
5 licenses for the use of a partnership, corporation, club, or limited liability company
6 in Baltimore City from certain residency and registered voter requirements;
7 establishing certain requirements for the issuance of an alcoholic beverages license
8 to a partnership, corporation, or club in Baltimore City; and generally relating to
9 applications for alcoholic beverages licenses in Baltimore City.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages
12 Section 12–102
13 Annotated Code of Maryland
14 (2016 Volume and 2017 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages
17 Section 12–1401
18 Annotated Code of Maryland
19 (2016 Volume and 2017 Supplement)

20 BY adding to
21 Article – Alcoholic Beverages
22 Section 12–1401.1 and 12–1402
23 Annotated Code of Maryland
24 (2016 Volume and 2017 Supplement)

25 BY repealing
26 Article – Alcoholic Beverages
27 Section 12–1402

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2016 Volume and 2017 Supplement)

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

5 **Article – Alcoholic Beverages**

6 12–102.

7 This title applies only in Baltimore City.

8 12–1401.

9 (a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
10 of Division I of this article apply in the City without exception or variation:

11 (1) § 4–102 (“Applications to be filed with local licensing board”);

12 [(2) § 4–103 (“Application on behalf of partnership”);

13 (3) § 4–104 (“Application on behalf of corporation or club”);]

14 [(4) (2) § 4–106 (“Payment of notice expenses”);

15 [(5) (3) § 4–108 (“Application form required by Comptroller”);

16 [(6) (4) § 4–111 (“Payment of license fees”);

17 [(7) (5) § 4–112 (“Disposition of license fees”);

18 [(8) (6) § 4–113 (“Refund of license fees”); and

19 [(9) (7) § 4–114 (“Fees for licenses issued for less than 1 year”).

20 (b) [Section] **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1**
21 **(“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT**
22 **APPLY IN THE CITY:**

23 (1) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH
24 IS SUPERSEDED BY § 12–1401.1 OF THIS SUBTITLE;

25 (2) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),
26 WHICH IS SUPERSEDED BY §§ 12–1401.1 AND 12–1402 OF THIS SUBTITLE; AND

27 (3) § 4–110 (“Required information on application — Petition of support”)

1 [of Division I of this article does not apply in the City and], WHICH is superseded by §
2 12-1405 of this subtitle.

3 (c) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
4 of Division I of this article apply in the City:

5 (1) § 4-105 (“Application on behalf of limited liability company”), subject to
6 [§ 12-1402] §§ **12-1401.1 AND 12-1402** of this subtitle;

7 (2) § 4-107 (“Criminal history records check”), subject to § 12-1403 of this
8 subtitle; and

9 (3) § 4-109 (“Required information on application — In general”), subject
10 to § 12-1404 of this subtitle.

11 **12-1401.1.**

12 (A) **AN APPLICATION FOR A LICENSE FOR THE USE OF A PARTNERSHIP**
13 **SHALL BE MADE BY AND THE LICENSE ISSUED TO ALL PARTNERS AS INDIVIDUALS.**

14 (B) **EACH OF THE PARTNERS MUST HAVE RESIDED IN THE STATE FOR AT**
15 **LEAST 2 YEARS BEFORE THE APPLICATION IS FILED.**

16 (C) **THE APPLICATION FOR A LICENSE SHALL STATE THE NAME AND**
17 **ADDRESS OF THE PARTNERSHIP AND THE NAME AND ADDRESS OF EACH APPLICANT.**

18 (D) (1) **THIS SUBSECTION APPLIES TO:**

19 (I) **A CORPORATION; AND**

20 (II) **A CLUB, WHETHER INCORPORATED OR UNINCORPORATED.**

21 (2) **EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS**
22 **SUBSECTION, A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE**
23 **APPLIED FOR AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB AS**
24 **INDIVIDUALS.**

25 (3) **AT LEAST ONE OF THE THREE OFFICERS MUST HAVE RESIDED IN**
26 **THE STATE FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED.**

27 (4) **IF A CORPORATION HAS FEWER THAN THREE OFFICERS OR**
28 **DIRECTORS, ALL OFFICERS OR DIRECTORS SHALL APPLY FOR A LICENSE.**

29 (5) **IN A CLOSE CORPORATION, AT LEAST ONE INDIVIDUAL**
30 **STOCKHOLDER MAY APPLY FOR A LICENSE IF:**

1 **(I) THE CLOSE CORPORATION DOES NOT HAVE OFFICERS OR**
2 **DIRECTORS; AND**

3 **(II) THERE IS AN AFFIRMATIVE VOTE OF A MAJORITY OF THE**
4 **STOCKHOLDERS.**

5 **(6) AN APPLICATION FOR A CORPORATION OR A CLUB LICENSE SHALL**
6 **INCLUDE:**

7 **(I) THE NAME AND ADDRESS OF EACH OFFICER;**

8 **(II) THE NAME AND ADDRESS OF THE CORPORATION OR CLUB;**
9 **AND**

10 **(III) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT**
11 **OF THE CORPORATION OR CLUB AND OF THE THREE OFFICERS TO WHOM THE**
12 **LICENSE SHALL BE ISSUED.**

13 [12-1402.

14 An authorized person of a limited liability company who holds a license for the use
15 of the limited liability company that was granted on or before June 1, 2012, need not be a
16 registered voter in the City.]

17 **12-1402.**

18 **A REQUIREMENT THAT AN APPLICANT FOR A LICENSE BE A REGISTERED**
19 **VOTER DOES NOT APPLY TO AN INDIVIDUAL WHO APPLIES FOR A LICENSE FOR THE**
20 **USE OF A CORPORATION, CLUB, OR LIMITED LIABILITY COMPANY.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2018.