

HOUSE BILL 820

A2

9lr2799

By: **Delegate P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages Licenses – Transfers**

3 FOR the purpose of altering the time periods in which the Board of License Commissioners
4 for Baltimore County may approve the transfer of certain licenses from certain
5 election districts to other election districts under certain circumstances; altering the
6 number of certain licenses that may be transferred under certain conditions;
7 repealing certain obsolete provisions of law concerning license transfers; repealing a
8 prohibition concerning the number of Class B Service Bar (SB) licenses that may be
9 issued in any one election district per year; altering the type of premises or location
10 for which a Class B Service Bar (SB) may not be issued under certain circumstances;
11 and generally relating to alcoholic beverages licenses in Baltimore County.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages
14 Section 13–102
15 Annotated Code of Maryland
16 (2016 Volume and 2018 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Alcoholic Beverages
19 Section 13–1604
20 Annotated Code of Maryland
21 (2016 Volume and 2018 Supplement)

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

24 **Article – Alcoholic Beverages**

25 13–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 This title applies only in Baltimore County.

2 13–1604.

3 (a) (1) Subject to paragraph (2) of this subsection, the Board may approve the
4 transfer of a Class B or Class D license in existence in Election District 15 on May 1, [2012]
5 **2019**, to another election district if:

6 (i) the approval occurs anytime from May 1, [2012] **2019**, to April
7 30, [2017] **2021**, both inclusive; and

8 (ii) on the date of the approval, the number of licenses in existence
9 in the election district to which the license is to be transferred is not greater than 25% more
10 than the number of licenses that would otherwise exist in that election district, based on
11 the rule of the Board that limits the total number of licenses available in an election district
12 by population.

13 (2) (i) The Board may not authorize the transfer of more than [25]
14 **EIGHT** Class B or Class D licenses in existence on May 1, [2012] **2019**, out of Election
15 District 15.

16 (ii) Not more than two licenses may be transferred under this
17 subsection into any single election district each year from May 1, [2012] **2019**, to April 30,
18 [2017] **2021**, both inclusive.

19 (b) (1) In accordance with this subsection, the Board shall:

20 (i) approve the transfer of Class B or Class D licenses from Election
21 District 15 to any other election district in the county; or

22 (ii) issue **TWO** new Class B Service Bar (SB) beer and wine licenses
23 **IN ELECTION DISTRICT 9** under subsection (c) of this section.

24 (2) On or before April 30, [2013] **2020**, the Board shall[:

25 (i) approve the transfer of [five] **FOUR** Class B or Class D licenses
26 under subsection (a) of this section or § 13–1705 or § 13–1707 of this title]; or

27 (ii) if five licenses are not transferred, issue new Class B Service Bar
28 (SB) licenses so that the number of licenses transferred or issued since May 1, 2012, totals
29 five].

30 (3) On or before April 30, [2014] **2021**, the Board shall[:

1 (i) approve the transfer of Class B or Class D licenses under
2 subsection (a) of this section or § 13–1705 or § 13–1707 of this title so that the cumulative
3 number of licenses transferred or issued since May 1, [2012] **2019**, totals [at least 10; or

4 (ii) if the number of licenses transferred under item (i) of this
5 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the
6 cumulative number of licenses transferred or issued since May 1, 2012, equals 10] **EIGHT**.

7 [(4) On or before April 30, 2015, the Board shall:

8 (i) approve the transfer of Class B or Class D licenses under
9 subsection (a) of this section or § 13–1705 or § 13–1707 of this title so that the cumulative
10 number of licenses transferred or issued since May 1, 2012, totals at least 15; or

11 (ii) if the number of licenses transferred under item (i) of this
12 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the
13 cumulative number of licenses transferred or issued since May 1, 2012, equals 15.

14 (5) On or before April 30, 2016, the Board shall:

15 (i) approve the transfer of Class B or Class D licenses under
16 subsection (a) of this section or § 13–1705 or § 13–1707 of this title so that the cumulative
17 number of licenses transferred or issued since May 1, 2012, totals at least 20; or

18 (ii) if the number of licenses transferred under item (i) of this
19 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the
20 cumulative number of licenses transferred or issued since May 1, 2012, equals 20.

21 (6) On or before April 30, 2017, the Board shall:

22 (i) approve the transfer of Class B or Class D licenses under
23 subsection (a) of this section or § 13–1705 or § 13–1707 of this title so that the cumulative
24 number of licenses issued or transferred since May 1, 2012, totals at least 25; or

25 (ii) if the number of licenses transferred under item (i) of this
26 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the
27 cumulative number of licenses issued or transferred since May 1, 2012, equals 25.

28 (7) In any year, if the Board approves the transfer of more Class B or Class
29 D licenses than are needed to meet the minimum total required for that year, the excess
30 will be counted against the minimum total required for the next year.]

31 [(8) (4) The date a license is transferred under this subsection is the date
32 of final, nonappealable approval of the application for a new license or for license transfer
33 by the Board.

1 (c) (1) A Class B Service Bar (SB) beer and wine license may be issued only in
2 compliance with this subsection.

3 (2) A Class B Service Bar (SB) license allows:

4 (i) sales of beer and wine for on-premises consumption; and

5 (ii) alcoholic beverages to be served to patrons only as part of a meal.

6 (3) A Class B Service Bar (SB) license may be used only in the operation of
7 a restaurant, as defined by the Board and this article, that:

8 (i) has table service; and

9 (ii) maintains average daily receipts from the sale of food of at least
10 60% of the total daily receipts of the establishment.

11 (4) A Class B Service Bar (SB) license does not allow service to a customer
12 who is standing or accepting delivery of purchased food or beverage items other than while
13 seated at a table.

14 (5) (i) Except as provided in subparagraph (ii) of this paragraph, the
15 proposed restaurant for which a Class B Service Bar (SB) license is sought shall comply
16 with the zoning ordinances of the county, including allowing seating for not fewer than 30
17 customers and not more than 100 customers.

18 (ii) The license may not be used in conjunction with the viewing of
19 televised sporting events or the use of live bands, disc jockeys, karaoke, or any other form
20 of live entertainment.

21 (6) A Class B or D license transferred under subsection (a) of this section
22 or a Class B Service Bar (SB) license issued under this subsection may not thereafter be
23 transferred from the licensed premises or converted to another class of license.

24 [(7) Not more than one Class B Service Bar (SB) license may be issued in
25 any one election district per year.]

26 [(8) (7) A Class B Service Bar (SB) license may not be issued for use on
27 premises or a location for which any on-sale NONEXCEPTION license has been issued
28 within 2 years before the application for the Class B Service Bar (SB) license is filed.

29 [(9) (8) A person may not have a direct or indirect interest as defined in
30 § 13-1606 of this subtitle in more than one Class B Service Bar (SB) license.

31 (d) The annual fee for a Class B Service Bar (SB) beer and wine license is \$5,000.

1 (e) (1) When a license is transferred from Election District 15 to another
2 election district under this section, the license does not continue to exist in Election District
3 15.

4 (2) Subject to the 25% allowance authorized in subsection (a)(1)(ii) of this
5 section, the Board shall consider a license transferred under this section to be a regular
6 license and not an exception license for determining the total number of licenses available
7 in an election district based on the rule of the Board.

8 (f) (1) The Board:

9 (i) shall convert a Class D license that is transferred from Election
10 District 15 to any other election district to a Class B license; and

11 (ii) may not thereafter transfer the Class B license from the licensed
12 premises or convert the license to another class of license.

13 (2) The Board may not transfer from a licensed premises or convert a
14 license to another class of license:

15 (i) a new license issued by the Board based on an increase in
16 population under the rule of the Board limiting the total number of licenses available by
17 population; or

18 (ii) a license that has been revoked and reissued by the Board.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2019.