

HB0436/633125/1

BY: Delegate J. Lewis

AMENDMENTS TO HOUSE BILL 436, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Economic Matters Committee Amendments (HB0436/213427/1), in line 6 of Amendment No. 1, after “Board” insert “to issue a Class B–DD beer, wine, and liquor license with an off–sale privilege to certain restaurants in certain areas; repealing a certain prohibition on the issuance of Class B–DD beer, wine, and liquor licenses; authorizing the Board”; and in line 7, strike “26–1603(a) and”.

On page 1 of the bill, in line 10, after “26–102” insert “and 26–1613(a)”; and in line 15, strike “26–1614(a)(13) and (14)” and substitute “26–1603(a), 26–1613(b), (c)(1), (d)(2), and (h), and 26–1614(a)(8), (13), and (14)”.

AMENDMENT NO. 2

On page 2 of the bill, before line 3, insert:

“26–1613.

(a) There is a Class B–DD (Development District) 7–day beer, wine, and liquor license.

(b) (1) The Board may issue the license for use in a restaurant in any single area designated in § 26–1614 of this subtitle.

(2) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

(3) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, FOR EACH AREA DESIGNATED IN § 26-1614 OF THIS SUBTITLE THAT IS NOT LOCATED INSIDE THE CAPITAL BELTWAY, THE BOARD MAY ISSUE THE LICENSE WITH AN OFF-SALE PRIVILEGE FOR USE IN ONE RESTAURANT IN THE AREA IF:

1. THE RESTAURANT HAS AT LEAST 100 PERMANENT SEATS;

2. THE COMBINED AREA OF THE KITCHEN, BAR, AND DINING AREA OF THE RESTAURANT, INCLUDING PERMANENT YEAR-ROUND OUTDOOR SEATING, IS GREATER THAN 3,500 SQUARE FEET;

3. THE RESTAURANT IS LOCATED AT LEAST 1 MILE AWAY FROM ANY OTHER ESTABLISHMENT THAT HOLDS A CLASS A BEER, WINE, AND LIQUOR LICENSE OR A CLASS B-PLUS BEER, WINE, AND LIQUOR LICENSE THAT IS EXERCISING ITS OFF-SALE PRIVILEGES;

4. THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF MORE THAN \$1,000,000, EXCLUDING THE COSTS OF THE LAND, BUILDING, OR LEASE;

5. THE INDIVIDUAL APPLICANTS HOLDING A COMBINED OWNERSHIP INTEREST OF AT LEAST 75% IN THE RESTAURANT HAVE OPERATED A RESTAURANT IN THE COUNTY THAT HAS HELD AN ALCOHOLIC BEVERAGES LICENSE UNDER THIS TITLE FOR AT LEAST 7 YEARS PRIOR TO THE FILING OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION;

6. THE RESTAURANT IS OPEN AT LEAST 5 DAYS PER WEEK AND SERVES LUNCH AND DINNER AT LEAST FIVE TIMES PER WEEK; AND

7. THE RESTAURANT DOES NOT HOLD AN OWNERSHIP INTEREST IN MORE THAN TWO RESTAURANTS THAT HOLD A LICENSE UNDER THIS SECTION WITH AN OFF-SALE PRIVILEGE.

(II) A HOLDER OF A LICENSE UNDER THIS SECTION WITH AN OFF-SALE PRIVILEGE SHALL MAINTAIN “OFF-SALE” SHELVES OR COUNTERS IN AN AREA OF THE LICENSED PREMISES THAT IS:

1. PARTITIONED OR OTHERWISE SEPARATED FROM THE MAIN BAR AND THE USUAL SERVING AREA FOR ON-PREMISES CONSUMPTION; AND

2. CONTIGUOUS TO THE RESTAURANT.

(III) THE PORTION OF THE RESTAURANT DEDICATED TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION MAY NOT:

1. BE CONSIDERED WHEN CALCULATING THE SQUARE FOOTAGE OF THE RESTAURANT UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH; AND

2. BE GREATER THAN 3,500 SQUARE FEET.

(IV) OFF-SALE PRIVILEGES UNDER THE LICENSE AUTHORIZE THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY, FROM 9:00 A.M. TO 10:00 P.M.

(c) (1) An applicant for a license for a restaurant in a single area described in § 26-1614 of this subtitle is not eligible for a Class B-DD license unless:

(Over)

(i) the restaurant meets all of the requirements set out in paragraph (2) of this subsection; and

(ii) the average daily receipts of the restaurant from the sale of food and nonalcoholic beverages exceed the average daily receipts of the restaurant from the sale of alcoholic beverages FOR ON-PREMISES CONSUMPTION ONLY.

(d) (2) The Board may not issue the license for use by a restaurant in a single area described in § 26-1614 of this subtitle if:

(i) six restaurants are operating with a Class B-DD license in the area; or

(ii) the applicant is the license holder of three Class B-DD licenses.

(h) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE annual license fee is \$3,025.

(2) THE ANNUAL LICENSE FEE FOR A LICENSE WITH AN OFF-SALE PRIVILEGE ISSUED UNDER SUBSECTION (C)(3) OF THIS SECTION IS \$5,000.”;

after line 4, insert:

“(8) up to five Class B-DD (Development District) licenses to restaurants located within the [Karrington] SOUTH LAKE mixed-use development, located in the southwest quadrant of the intersection of MD-214/Central Avenue and US-301/Crain Highway.”;

and in line 10, strike “ANY NUMBER OF” and substitute “UP TO 50”.