

# SENATE BILL 1028

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By: **Senator Klausmeier**

Introduced and read first time: February 26, 2013

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 14, 2013

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 23, 2013

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

1 AN ACT concerning

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

3 FOR the purpose of providing in Baltimore County that Class B or Class D alcoholic  
4 beverages licenses transferred under certain provisions of law be added to  
5 certain totals of transferred licenses that are computed for certain purposes;  
6 making certain technical changes; and generally relating to alcoholic beverages  
7 licenses in Baltimore County.

8 BY repealing and reenacting, with amendments,  
9 Article 2B – Alcoholic Beverages  
10 Section 8–204.8  
11 Annotated Code of Maryland  
12 (2011 Replacement Volume and 2012 Supplement)

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

15 **Article 2B – Alcoholic Beverages**

16 8–204.8.

17 (a) This section applies only in Baltimore County.

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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 (b) (1) Subject to § 8–204.7 of this subtitle and paragraph (2) of this  
2 subsection, from May 1, 2012, to April 30, 2017, both inclusive, the Board of Liquor  
3 License Commissioners may authorize the transfer of a Class B or Class D license in  
4 existence in election district 15 on May 1, 2012, to an election district in which the  
5 number of licenses in existence, on the date of approval of the transfer, is not greater  
6 than 25% more than the number of licenses that would otherwise exist in that election  
7 district, based on the rule of the Board of Liquor License Commissioners that limits  
8 the total number of licenses available in an election district by population.

9 (2) Not more than two licenses may be transferred under this  
10 subsection into any single election district each year from May 1, 2012, to April 30,  
11 2017, both inclusive.

12 (c) (1) In accordance with this subsection, the Board of Liquor License  
13 Commissioners shall:

14 (i) Approve the transfer of Class B or Class D licenses from  
15 election district 15 to any other election district in the County; or

16 (ii) Issue new Class B Service Bar (SB) licenses under  
17 subsection (d) of this section.

18 (2) On or before April 30, 2013, the Board shall:

19 (i) Approve the transfer of five Class B or Class D licenses  
20 **UNDER SUBSECTION (B) OF THIS SECTION OR § 8–204.3 OR § 8–204.5 OF THIS**  
21 **SUBTITLE**; or

22 (ii) If five licenses are not transferred, issue new Class B  
23 Service Bar (SB) licenses so that the number of licenses transferred or issued since  
24 May 1, 2012, totals five.

25 (3) On or before April 30, 2014, the Board shall:

26 (i) Approve the transfer of Class B or Class D licenses **UNDER**  
27 **SUBSECTION (B) OF THIS SECTION OR § 8–204.3 OR § 8–204.5 OF THIS SUBTITLE**  
28 so that the cumulative number of licenses transferred or issued [under this  
29 subsection] since May 1, 2012, totals at least 10; or

30 (ii) If the number of licenses transferred under item (i) of this  
31 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the  
32 cumulative number of licenses transferred or issued [under this subsection] since  
33 May 1, 2012, equals 10.

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

1 (i) Approve the transfer of Class B or Class D licenses **UNDER**  
2 **SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE**  
3 so that the cumulative number of licenses transferred or issued [under this  
4 subsection] since May 1, 2012, totals at least 15; or

5 (ii) If the number of licenses transferred under item (i) of this  
6 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the  
7 cumulative number of licenses transferred or issued [under this subsection] since May  
8 1, 2012, equals 15.

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

10 (i) Approve the transfer of Class B or Class D licenses **UNDER**  
11 **SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE**  
12 so that the cumulative number of licenses transferred or issued [under this  
13 subsection] since May 1, 2012, totals at least 20; or

14 (ii) If the number of licenses transferred under item (i) of this  
15 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the  
16 cumulative number of licenses transferred or issued [under this subsection] since May  
17 1, 2012, equals 20.

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

19 (i) Approve the transfer of Class B or Class D licenses **UNDER**  
20 **SUBSECTION (B) OF THIS SECTION OR § 8-204.3 OR § 8-204.5 OF THIS SUBTITLE**  
21 so that the cumulative number of licenses issued or transferred [under this  
22 subsection] since May 1, 2012, totals at least 25; or

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

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

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

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

1           (2) A Class B Service Bar (SB) license may be used only in the  
2 operation of a restaurant, as defined by the Board of Liquor License Commissioners  
3 and this article, that maintains average daily receipts from the sale of food of at least  
4 60% of the total daily receipts of the establishment.

5           (3) A Class B Service Bar (SB) license shall allow on-premises sales of  
6 beer and wine only.

7           (4) A Class B Service Bar (SB) license allows alcoholic beverages to be  
8 served to patrons only as part of a meal.

9           (5) (i) A Class B Service Bar (SB) license shall be restricted to  
10 restaurants that have table service.

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

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

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

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

25           (8) Not more than one Class B Service Bar (SB) license may be issued  
26 in any one election district per year.

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

30           (10) Any person, including an individual or sole proprietorship,  
31 partnership, corporation, unincorporated association, and limited liability company,  
32 may not have a direct or indirect interest as defined in § 9-102(b-3B) of this article in  
33 more than one Class B Service Bar (SB) license.

34           (e) The annual fee for a Class B Service Bar (SB) beer and wine license  
35 issued under this section is \$5,000.

1           (f)   (1)   When a license is transferred from election district 15 to another  
2 election district under this section, the license may not be construed to exist in election  
3 district 15.

4                   (2)   Subject to the 25% allowance authorized in subsection (b) of this  
5 section, a license transferred under this section shall be considered by the Board of  
6 Liquor License Commissioners as a regular license and not an exception license for  
7 determining the total number of licenses available in any election district based on the  
8 rule of the Board of Liquor License Commissioners that limits the total number of  
9 licenses available by population.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 June 1, 2013.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.