

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

A BILL ENTITLED

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

19 BY repealing and reenacting, without amendments,
20 Article 2B – Alcoholic Beverages
21 Section 9–101(a)(1)
22 Annotated Code of Maryland
23 (2011 Replacement Volume and 2014 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article 2B – Alcoholic Beverages
26 Section 9–101(a)(2)(i), (b)(1), and (c)(1) and 10–103(b)(4) and (13)(iv)
27 Annotated Code of Maryland
28 (2011 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article 2B – Alcoholic Beverages**

4 9–101.

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

14 (2) (i) 1. In Montgomery County, if the application is made for a
15 partnership, the license shall be applied for and issued to at least 2 general partners as
16 individuals, at least one of whom is a registered voter of the county where the application
17 is made and resides there at the time of the application.

18 2. If there is only one general partner, the license shall be
19 issued to that partner as an individual, if that partner is a registered voter of the county
20 where the application is made and resides there at the time of application.

21 3. **ON THE AFFIRMATIVE VOTE OF AT LEAST FOUR OF**
22 **THE FIVE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD MAY**
23 **WAIVE THE REGISTERED VOTER AND RESIDENCY REQUIREMENTS UNDER THIS**
24 **SUBPARAGRAPH.**

25 (b) (1) (I) **[If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
26 **PARAGRAPH, IF** the application is made for a corporation, or a club, whether incorporated
27 or unincorporated, the license shall be applied for by and be issued to three of the officers
28 of that corporation or club, as individuals, for the use of the corporation or club, at least one
29 of whom shall be a registered voter and taxpayer of the county or city, or State of Maryland
30 when the application is filed with the Comptroller, and shall also have resided therein, at
31 least two years prior to the application.

32 (II) **IN MONTGOMERY COUNTY, ON THE AFFIRMATIVE VOTE OF**
33 **AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE**
34 **COMMISSIONERS, THE BOARD MAY WAIVE THE REGISTERED VOTER, TAXPAYER,**
35 **AND RESIDENCY REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

36 (c) (1) (i) Except as provided in subparagraphs (ii) [and], (iii), **AND (IV)** of
37 this paragraph, if the application is made for a limited liability company, the license shall

1 be applied for by and be issued to 3 of the authorized persons of that limited liability
2 company, as individuals, for the use of the limited liability company, at least 1 of whom
3 shall be a registered voter and taxpayer of the county or city, or the State when the
4 application is filed with the Comptroller, and shall also have resided there at least 2 years
5 before the application.

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

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

12 **(IV) IN MONTGOMERY COUNTY, ON THE AFFIRMATIVE VOTE OF**
13 **AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE**
14 **COMMISSIONERS, THE BOARD MAY WAIVE THE REGISTERED VOTER, TAXPAYER,**
15 **AND RESIDENCY REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

16 10–103.

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

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

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

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

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

31 (v) In Baltimore County, a statement that the applicant has been for
32 2 years next preceding the filing of the application a resident of the State is required.

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

1 **(VII) IN MONTGOMERY COUNTY, ON THE AFFIRMATIVE VOTE OF**
2 **AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE**
3 **COMMISSIONERS, THE BOARD MAY WAIVE THE RESIDENCY REQUIREMENT UNDER**
4 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

5 (13) (iv) In Montgomery County:

6 1. The Board of License Commissioners shall:

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

12 B. Require applicants for alcoholic beverages licenses in the
13 county to be fingerprinted; and

14 C. Forward the fingerprints through the Central Repository
15 for transmittal to the Federal Bureau of Investigation for a national criminal history
16 records check; and

17 2. Applicants for license renewal may be subject to these
18 provisions.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2015.