

SENATE BILL 395

A2
SB 1086/17 – EHE

8lr1846
CF HB 448

By: **Senators Conway, Oaks, and Robinson**
Introduced and read first time: January 25, 2018
Assigned to: Education, Health, and Environmental Affairs

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.