

Chapter 422

(House Bill 570)

AN ACT concerning

Prince George's County – Alcoholic Beverages – Extinguishment of Licenses

PG 306–10

FOR the purpose of ~~requiring the Prince George's County Board of License Commissioners to declare an alcoholic beverages license to be extinguished under certain circumstances;~~ authorizing a person to obtain a certain license in Prince George's County for the purpose of having the Board of License Commissioners declare the license to be extinguished; requiring the Board to declare the license to be extinguished at a certain time; requiring a person that obtains a certain license for certain purposes to take certain actions and prohibiting the person from taking certain actions; authorizing the Board to impose a certain penalty for certain violations; specifying that an extinguished license may not be replaced by the Board and that an extinguished license counts as one in a certain list of licenses; providing an exception to a certain licensing restriction; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(a) and 9–217(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–217(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 9–217(b–1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

9–102.

(a) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State, and no more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, and 6–701 of this article, and nothing herein shall be construed to apply to § 6–201(r)(4), (15), and (17), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, **§ 9–217(B–1)**, or § 12–202 of this article.

9–217.

(a) This section applies only in Prince George’s County.

(b) **[The] SUBJECT TO SUBSECTION (B–1) OF THIS SECTION, THE** number of licenses of each class of alcoholic beverage licenses may not exceed the following maximum amounts:

(1)	Beer license, Class A	19
(2)	Beer license, Class B	23
(3)	Beer license, Class C	3
(4)	Beer license, Class D	76
(5)	Beer and light wine license, Class A	26
(6)	Beer and light wine license, Class B	45
(7)	Beer and light wine license, Class B–GC	4
(8)	Beer and light wine license, Class B–Stadium	1
(9)	Beer and light wine license, Class C	8
(10)	Beer and light wine license, Class D	55
(11)	Beer, wine and liquor license, Class A	142
(12)	Beer, wine and liquor license, Class B	185

(13) Beer, wine and liquor license, Class BCE 8

(14) Beer, wine and liquor license, Class B–CI 2

(15) Reserved.

(16) Beer, wine and liquor license, Class B/ECF 1

(17) Beer, wine and liquor license, Class B–ECF/DS 1

(18) Beer, wine and liquor license, Class B–ECR 1

(19) Beer, wine and liquor license, Class B–Stadium..... 1

(20) Beer, wine and liquor license, Class C

(i) Under § 6–301(r)(2) 30

(ii) Under § 6–301(r)(3) 25

(iii) Under § 6–301(r)(4) 4

(iv) Under § 6–301(r)(5) 12

(v) Under § 6–301(r)(7) 1

~~**(B-1) (1) THE BOARD OF LICENSE COMMISSIONERS SHALL DECLARE A LICENSE TO BE EXTINGUISHED IF THE HOLDER OF THE LICENSE:**~~

~~**(i) INFORMS THE BOARD IN WRITING OF THE INTENT NOT TO OPERATE AN ESTABLISHMENT FOR WHICH THE LICENSE WAS ISSUED; AND**~~

~~**(ii) PROVIDES EVIDENCE TO SATISFY THE BOARD THAT ALL TAXES OR OBLIGATIONS TO WHOLESALERS OR OTHER PERSONS HAVE BEEN PAID.**~~

(B-1) (1) A PERSON MAY OBTAIN A CLASS A LICENSE OF ANY KIND FOR THE PURPOSE OF HAVING THE BOARD OF LICENSE COMMISSIONERS DECLARE THE LICENSE TO BE EXTINGUISHED.

(2) (1) THE PERSON SHALL INFORM THE BOARD OF LICENSE COMMISSIONERS OF THE PURPOSE FOR OBTAINING THE LICENSE.

(II) THE BOARD OF LICENSE COMMISSIONERS SHALL DECLARE THE LICENSE TO BE EXTINGUISHED WHEN THE PERSON COMES INTO POSSESSION OF THE LICENSE.

(3) WITHIN 10 DAYS AFTER HAVING COME INTO POSSESSION OF THE LICENSE, THE PERSON SHALL:

(I) SURRENDER THE LICENSE TO THE BOARD OF LICENSE COMMISSIONERS; AND

(II) PROVIDE EVIDENCE TO SATISFY THE BOARD THAT ALL TAXES OR OBLIGATIONS TO WHOLESALERS OR OTHER PERSONS HAVE BEEN PAID.

(4) A PERSON THAT OBTAINS A LICENSE UNDER THIS SUBSECTION MAY NOT EXERCISE THE PRIVILEGES OF, SELL, ASSIGN, OR APPLY FOR TRANSFER OF THE LICENSE.

(5) THE BOARD OF LICENSE COMMISSIONERS MAY IMPOSE ON A PERSON WHO VIOLATES THIS SUBSECTION A PENALTY NOT EXCEEDING \$1,000.

~~(2)~~ (6) A LICENSE THAT IS EXTINGUISHED UNDER THIS SUBSECTION:

(I) MAY NOT BE REPLACED BY THE BOARD; AND

(II) COUNTS AS ONE OF THE NUMBER OF LICENSES IN THE APPROPRIATE CLASS LISTED IN SUBSECTION (B) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.