

Chapter 97

(House Bill 589)

AN ACT concerning

Charles County – Alcoholic Beverages – Certification for License Application

FOR the purpose of requiring the Treasurer of Charles County, instead of the Office of the County Supervisor of Assessments, to prepare a certification showing the value of certain merchandise, fixtures, and stock-in-trade, as certified to the county by the State Department of Assessments and Taxation, for a business for which an application is made for a certain alcoholic beverages license; making conforming changes; and generally relating to license application requirements for alcoholic beverages licenses in Charles County.

BY repealing and reenacting, without amendments,
 Article 2B – Alcoholic Beverages
 Section 10–104(a) and 10–503(a)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 10–104(j), 10–301(i), and 10–503(j)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

10–104.

(a) A requirement for an application for a license in this section shall be applicable in a county or Baltimore City as an additional requirement except where inconsistent with a requirement otherwise provided in this subtitle.

(j) (1) In Charles County, the application shall contain:

(i) A statement that the applicant is at least 21 years old;

(ii) A certification from the [office of the County Supervisor of Assessments] **TREASURER OF THE COUNTY** showing the value of the merchandise, fixtures, and stock-in-trade, **AS CERTIFIED TO THE COUNTY BY THE STATE**

DEPARTMENT OF ASSESSMENTS AND TAXATION, for the business for which the application is made for the calendar year next preceding the year the license is to be issued; and

(iii) A certification from the Treasurer of the county showing:

1. That there are no unpaid taxes due from the applicant to the county, incorporated city, or town where the licensed premises is to be located; and

2. That there are no unpaid taxes due from the applicant to the county or State of Maryland on the merchandise, fixtures, and stock-in-trade where the licensed premises is to be located.

(2) (i) In addition to the license fee, the Board shall charge a \$200 application fee for transfers and new licenses, which fee may not be returned whether the application is granted or denied.

(ii) The application fee includes the processing expense of the application which shall be used by the Board for this purpose.

(iii) The application fee is in addition to other fees that the Board may require to be paid at the time of making application.

(3) The provisions of this subsection do not apply to renewals of licenses.

10-301.

(i) (1) In Charles County, the Board of License Commissioners may not renew any license as authorized in subsection (a) of this section unless there is presented to the Board a certification from the **TREASURER OF THE COUNTY SHOWING:**

(i) [Office of the County Supervisor of Assessments showing the] **THE** value of the merchandise, fixtures, and stock-in-trade, **AS CERTIFIED TO THE COUNTY BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION**, for the business for which the application is made for the calendar year next preceding the year the license is to be issued;

(ii) [Treasurer of the county showing that] **THAT** there are no unpaid taxes due from the applicant to the county, incorporated city, or town where the licensed premises is to be located; and

(iii) [Treasurer of the county showing] **THAT** there are no unpaid taxes due from the applicant to the county or the State of Maryland on the merchandise, fixtures and stock-in-trade where the licensed premises is to be located.

(2) (i) A renewal application for an alcoholic beverages license is due on or before March 31 of each year.

(ii) Subject to subparagraph (iii) of this paragraph, a person who files a renewal application after March 31 is subject to a penalty of \$50 for each day that the application is late.

(iii) The maximum amount that the Board of License Commissioners may charge a person under this paragraph is \$500 per renewal application.

(iv) A renewal application may not be submitted later than the date of the next meeting of the Board of License Commissioners following March 31.

10-503.

(a) (1) In this section, “board” means the board of license commissioners or liquor control board, as the case may be, of the county or Baltimore City.

(2) Any holder of a license under this article, including a receiver or trustee for the benefit of creditors, may be permitted to transfer the holder’s place of business to some other location or sell or assign the license and transfer the holder’s stock in trade to another person, but only if:

(i) An application for the transfer or sale has been made;

(ii) All retail sales, amusement, admission, and withholding taxes have been paid to the Comptroller of the Treasury of the State;

(iii) A bulk transfer permit is obtained if the stock of alcoholic beverages is to be transferred whether by sale, gift, inheritance, assignment, or otherwise, and irrespective of whether or not consideration is paid; and

(iv) The new location or assignee is approved by the board as in the case of an original application for such a license under § 10-202 of this title.

(3) A transfer or assignment, when made, shall be endorsed upon the license by the license issuing authority upon payment of a fee of \$20 in addition to the costs of publication and notice, which shall be paid to the local collecting agent at the time of the filing of the application for the transfer or sale. This section permits the transfer of location and the assignment of license in the same application.

(4) A board may not permit the transfer of an alcoholic beverages license until the transferor has complied with the Bulk Transfers Act, Commercial Law Article, Title 6, and has certified such compliance, by affidavit, to the board.

(5) The provisions of this section apply in every county and in Baltimore City, unless otherwise provided in this section.

(j) (1) This subsection applies only in Charles County.

(2) The fee for assignment and/or transfer of a license is \$200.

(3) (i) If an alcoholic beverages license is to be transferred to a different holder, the Board shall investigate whether the transferee has a police record of criminal convictions.

(ii) The Board shall adopt regulations for preserving the confidentiality of the police records secured under this subsection.

(4) If an alcoholic beverages license is to be transferred to a different location, the Board shall consider the existing need for that class of license at the proposed new location.

(5) A transfer of any license may not be made as authorized in subsection (a) of this section unless there is presented to the Board:

(i) A certification from the [Office of the County Supervisor of Assessments] **TREASURER OF THE COUNTY** showing the value of the merchandise, fixtures, and stock-in-trade, **AS CERTIFIED TO THE COUNTY BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION**, for the business for which the application is made for the calendar year next preceding the year the license is to be issued.

(ii) A certification from the Treasurer of the county showing that there are no unpaid taxes due from the transferor or assignor to the:

1. County, incorporated city, or place where the licensed premises is to be located; and

2. County or State of Maryland on the merchandise, fixtures, and stock-in-trade where the licensed premises is to be located.

(6) Except by way of renewal, an alcoholic beverages license of any class may not be transferred or issued to any business establishment of the type known as chain stores, supermarkets, discount houses, or their franchisors or franchisees, or concessionaires of any kind.

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

Approved by the Governor, April 14, 2015.