

HOUSE BILL 686

A2

2lr0805

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2012

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2012

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – City of Takoma Park – Alcoholic Beverages – Class B**
3 **On- and Off-Sale License**

4 **MC 17-12**

5 FOR the purpose of adding an off-sale privilege to the Class B beer and light wine
6 license issued for hotels and restaurants in the City of Takoma Park; providing
7 for the termination of this Act; and generally relating to Class B beer and light
8 wine, hotel and restaurant licenses in the City of Takoma Park.

9 BY repealing and reenacting, with amendments,
10 Article 2B – Alcoholic Beverages
11 Section 8-216(d)
12 Annotated Code of Maryland
13 (2011 Replacement Volume)

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

16 **Article 2B – Alcoholic Beverages**

17 8-216.

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 (d) (1) The Montgomery County Board of License Commissioners may
2 issue, renew, and transfer and otherwise provide for 8 classes of alcoholic beverages
3 licenses in the City of Takoma Park as follows:

4 (i) Class B [(on-sale)] **(ON- AND OFF-SALE)** beer and light
5 wine, hotel and restaurant licenses;

6 (ii) Class H (on-sale) beer and light wine, hotel and restaurant
7 licenses;

8 (iii) Class B (on-sale) beer, wine and liquor, hotel and restaurant
9 licenses;

10 (iv) Class H-TP (on-sale) beer license;

11 (v) Class D-TP (on- and off-sale) beer and light wine license;

12 (vi) Class A-TP (off-sale) beer, wine and liquor license;

13 (vii) Class C-TP (on-sale) beer, wine and liquor license; and

14 (viii) Beer and wine sampling or tasting (BWST) licenses issued
15 under § 8-408.2 of this title.

16 (2) (i) The provisions of this paragraph apply only to
17 Class -TP type licenses.

18 (ii) The Prince George's County Board of License
19 Commissioners shall certify a list to the Montgomery County Board of License
20 Commissioners of the alcoholic beverages licenses as of June 30, 1997, in that portion
21 of the City of Takoma Park that became part of Montgomery County on July 1, 1997.

22 (iii) On July 1, 1997, the Montgomery County Board shall issue
23 Class -TP type licenses to those licensees who were certified by the Prince George's
24 County Board. License fees may not be charged until May 1, 1998.

25 (iv) Unless revoked or not renewed for good cause, the certified
26 licenses shall continue in existence and be renewed, subject to payment of the annual
27 license fee.

28 (v) The Class -TP type licenses are not transferable to other
29 locations but are transferable to other persons, subject to the restrictions on similar
30 transfers for other alcoholic beverages licenses in Montgomery County.

31 (vi) Class -TP licenses are subject to the same conditions and
32 restrictions specified by law or by the Montgomery County Board of License
33 Commissioners as are other licenses issued by the Board. However, the Board may

1 waive whatever statutory and regulatory provisions it so chooses for the affected
2 licenses so that equity, fairness, and reasonableness are achieved.

3 (vii) The Montgomery County Department of Health and Human
4 Services may not charge an annual fee to the Class –TP licensees until January 1,
5 1998.

6 (3) (i) Notwithstanding that Class –TP licensees as of July 1, 1997
7 are subject to Montgomery County laws and regulations, those same licensees may
8 retain the particular Prince George’s County alcoholic beverages license they
9 possessed prior to unification.

10 (ii) The Prince George’s County license shall remain valid in
11 every sense except that it does not apply to the licensed premises to which the
12 Class –TP license applies, but is an open–location license. The Prince George’s County
13 licensee may transfer, to another person or to a new location with the same licensee,
14 the license into Prince George’s County without statutory or regulatory restriction.

15 (iii) While the Class –TP licensee remains in the same location
16 where it was located on July 1, 1997, another license issued by Prince George’s County
17 may not be granted or transferred to another Prince George’s licensee if the premises
18 for which that license was issued is located within 300 feet of the premises licensed
19 under the Class –TP license.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2012. It shall remain effective for a period of 2 years and, at the end of June
22 30, 2014, with no further action required by the General Assembly, this Act shall be
23 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.