

Md. Ann. Code art. 2B, § 10-103

Annotated Code of Maryland
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*** Current through all chapters of the 2011 Special Session of the General Assembly ***

ARTICLE 2B. ALCOHOLIC BEVERAGES
TITLE 10. LICENSES.
SUBTITLE 1. APPLICATION.

Md. Ann. Code art. 2B, § 10-103 (2011)

§ 10-103. County licenses

(a) "County police" defined. -- In this section, "county police" as it applies to Harford County includes the Harford County Sheriff's Department and all Harford County municipal police departments.

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

- (1) The class of license desired;
- (2) The name and residence of the applicant and how long he has resided at that address;
- (3) (i) A statement that the applicant is a citizen of the United States; or

(ii) In Prince George's County, if the applicant is not a citizen of the United States, a statement that the applicant is in legal status in accordance with federal law;

(3-a) (i) In Baltimore County and Howard County, a statement whether the applicant is a natural-born citizen or a naturalized citizen and, if the applicant is not a natural-born citizen or a naturalized citizen, information or documentation required by the Baltimore County Board of Liquor License Commissioners or the Board of License Commissioners of Howard County to show proof of alien status.

(ii) The Baltimore County Board of Liquor License Commissioners and the Board of License Commissioners of Howard County may obtain information from the Social Security Administration and the Department of Homeland Security -- Immigration and Customs to verify the applicant's citizenship or alien status.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a statement that the applicant has been for two years next preceding the filing of the application a resident of the county or of the City of Baltimore in which the applicant proposes to operate under the license applied for. The Board of License Commissioners of Prince George's County shall apply the residency requirements as specified in § 9-101 of this article;

(ii) In Dorchester County the residency requirement is 1 year;

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

- (5) The age and sex of the applicant;
- (6) Except as provided in subsection (b-1) of this section, the place of birth of the applicant, and if a naturalized citizen, when and where the applicant was naturalized;
- (7) The particular place for which a license is desired, designating the same by street and number if practicable; if not, by such other apt description as definitely locates it and also a description of the portion of the building in which the business will be conducted;
- (9) (i) A statement that the applicant has never been convicted of a felony and a further statement as to whether he has ever been adjudged guilty of violating the laws governing the sale of alcoholic beverages or for the prevention of gambling in the State of Maryland;
- (ii) In Worcester County a statement that the applicant has never offered a plea of nolo contendere to a felony indictment which was accepted by a court;
- (iii) In Somerset and Wicomico counties, a statement that the applicant consents to the Board investigating the applicant's criminal record; and
- (iv) 1. In Prince George's and Worcester counties, a signed statement by the applicant that the applicant has not been convicted of a felony or if the application is being made for the use of a corporation, that the applicant and none of the stockholders of that corporation have been convicted of a felony;
2. In Worcester County, that the owner of the corporation has not been convicted of a felony; and
3. In Charles County, a signed statement by the applicant that the applicant has not been convicted of a felony, or, except for an applicant for a Class B beer, wine and liquor (BLX) luxury restaurant license, if the application is being made for the use of a corporation, that the applicant and none of the stockholders of that corporation have been convicted of a felony;
- (v) 1. A. In this subparagraph the following words have the meanings indicated.
- B. "Applicant" means an applicant for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license.
- C. "Board" means the Board of License Commissioners of Somerset County.
2. This subparagraph applies only in Somerset County.
3. The Board shall:
- A. Require an applicant to be fingerprinted;
- B. Forward the fingerprints to the Criminal Justice System Central Repository in the Department of Public Safety and Correctional Services; and
- C. Request from the Central Repository a State and national criminal history records check of the applicant.
4. The Board may not disseminate information from criminal records to the public but may make information from criminal records available to members of the Board and their designees.
5. The Board shall charge an applicant a fee to cover the cost of fingerprinting and performing a State and national criminal history records check.

6. The Board may exempt from this subparagraph a license holder who seeks to renew an alcoholic beverages license.

(10) A statement that the applicant has a pecuniary interest in the business to be conducted under said license;

(11) A statement that the applicant has not had a license for the sale of alcoholic beverages revoked;

(12) A statement that the applicant, or person on behalf of whom the application is filed, is not pecuniarily interested in any other place of business in said county or City of Baltimore where or for which a license has been applied for, granted or issued under this article, except as otherwise permitted in this article;

(13) (i) 1. A statement as to whether the applicant has ever been adjudged guilty of any offense against the laws of the State or of the United States.

2. The respective boards shall destroy the records obtained under subparagraphs (ii), (iv), (v), (vi), (vii), (viii), (ix), and (xii) of this paragraph upon completion of its necessary use of the records;

(ii) 1. The provisions of this subparagraph (ii) apply in the following:

- A. Anne Arundel County;
- B. Harford County;
- C. Prince George's County;
- D. St. Mary's County;
- E. Worcester County; and
- F. Howard County.

2. The county board of license commissioners or the liquor control board may obtain criminal records on alcoholic beverages license applicants and their agents in its respective county from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services and county police.

(iii) The Worcester County Board of License Commissioners also may obtain criminal records pursuant to the provisions of subparagraph (ii) of this paragraph on the stockholders which hold at least 10% interest in the corporation and owners of a corporation when the application is being made for the use of the corporation;

(iv) In Montgomery County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services and Montgomery County Police;

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

C. Forward the fingerprints through the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for transmittal to the

Federal Bureau of Investigation for a national criminal history records check; and

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

(v) In Frederick County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services;

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

C. Forward the fingerprints through the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may not be subject to these provisions.

(vi) 1. The provisions of this subparagraph apply only in Cecil County, Charles County, Dorchester County, and Kent County.

2. The Boards of License Commissioners shall:

A. Obtain criminal records of new alcoholic beverages license applicants from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services;

B. Require applicants for new alcoholic beverages licenses to be fingerprinted; and

C. Forward the fingerprints through the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for transmittal to the Federal Bureau of Investigation (F.B.I.) for a national criminal history records check. Applications for license renewal are not subject to these provisions.

3. The County Commissioners may set a fee to cover the cost of obtaining the fingerprints and the Maryland and national criminal history records check.

4. Except as provided in sub-subparagraph 6 of this subparagraph, the Boards shall keep all criminal records in a sealed envelope available only to the members of the Boards and the clerks to the Boards.

5. The hearing for a new applicant and the issuance of a license may not be delayed due to the failure of the F.B.I. to provide the requested criminal history records check by the date of the scheduled hearing.

6. The Kent County Board of License Commissioners shall:

A. Keep all criminal records in a sealed envelope available only to the members of the Board and their designees; and

B. Adopt regulations to further preserve the confidentiality of information obtained under this subparagraph.

(vii) 1. The provisions of this subparagraph apply only in Wicomico County.

2. The Board of License Commissioners shall:

A. Obtain criminal records of license applicants from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services;

B. Require applicants for licenses to be fingerprinted; and

C. Forward the fingerprints through the Department of Public Safety and Correctional Services for transmittal to the Federal Bureau of Investigation for a national criminal history records check;

(viii) In Harford County:

1. The Liquor Control Board shall:

A. Obtain criminal records of alcoholic beverages license applicants from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services;

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

C. Forward the fingerprints through the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may not be subject to these provisions.

(ix) In Carroll County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services;

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

C. Forward the fingerprints through the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may not be subject to these provisions.

(x) 1. This subparagraph applies only in Garrett County.

2. In this subparagraph, "applicant" includes:

A. An applicant for renewal of an alcoholic beverages license; and

B. A shareholder, member, partner, owner, or other person with an ownership interest in a business entity that applies for an alcoholic beverages license.

3. The Board of License Commissioners may:

A. Obtain criminal records of an alcoholic beverages license applicant from the Criminal Justice Information System Central Repository of the Department of Public Safety and

Correctional Services and from other law enforcement agencies;

B. Require an applicant to be fingerprinted;

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

D. Set a fee to cover the cost of obtaining the fingerprints and State and national criminal records.

4. Criminal records shall be kept in a sealed envelope accessible only by Board members and their clerks, and the criminal records shall be destroyed on completion of their necessary use.

(xi) 1. In Calvert County, for each application for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license, the Board of License Commissioners shall:

A. Obtain criminal records of the license applicant from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services;

B. Require a license applicant to be fingerprinted; and

C. Forward the fingerprints through the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for transmittal to the Federal Bureau of Investigation for a national criminal history records check.

2. This subparagraph does not apply to an alcoholic beverages license renewal applicant.

(xii) In Howard County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services and from the Federal Bureau of Investigation;

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

C. Forward the fingerprints through the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for transmittal to the Federal Bureau of Investigation for a national criminal history records check.

2. Applicants for license renewal may be subject to this subparagraph.

3. The Board shall:

A. Keep all criminal records confidential; and

B. Make all criminal records in its possession available only to members, clerks, administrators, and inspectors of the Board of License Commissioners and to members, clerks, administrators, and inspectors of the Howard County Alcoholic Beverage Hearing Board.

(xiii) 1. A. In this subparagraph the following words have the meanings indicated.

B. "Applicant" means an applicant for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license.

C. "Board" means the Board of Liquor License Commissioners of Talbot County.

2. This subparagraph applies only in Talbot County.

3. The Board shall:

A. Require an applicant to be fingerprinted;

B. Forward the fingerprints to the Criminal Justice System Central Repository in the Department of Public Safety and Correctional Services; and

C. Request from the Central Repository a State and national criminal history records check of the applicant.

4. The Board may not disseminate information from criminal records to the public but may make information from criminal records available to members of the Board and their designees.

5. The Board may charge an applicant for the cost of fingerprinting and performing a State and national criminal history records check.

6. The Board may exempt from this subparagraph a license holder who seeks to renew an alcoholic beverages license.

(xiv) In Baltimore City:

1. The Board of Liquor License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services;

B. Require applicants for alcoholic beverages licenses in Baltimore City to be fingerprinted; and

C. Forward the fingerprints through the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may not be subject to the provisions of this subparagraph.

(xv) 1. A. In this subparagraph, the following words have the meanings indicated.

B. "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

C. "Board" means the Anne Arundel County Board of License Commissioners.

2. In Anne Arundel County, the Board shall apply to the Central Repository for State and national criminal history records checks for each alcoholic beverages license applicant.

3. As part of the application for a criminal history records check, the Board shall submit to the Central Repository:

A. Two complete sets of the applicant's fingerprints taken on forms approved by the director of the Central Repository and the Director of the Federal Bureau of Investigation;

B. The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

C. The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

4. In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Board the applicant's criminal history record information.

5. Information obtained from the Central Repository under this subparagraph shall be:

A. Confidential and may not be redisseminated; and

B. Used only for the licensing purpose authorized under this subparagraph.

6. The subject of a criminal history records check under this subparagraph may contest the contents of the printed statement issued by the Central Repository under § 10-223 of the Criminal Procedure Article.

(14) A statement as to whether the applicant has ever held a license for the sale of alcoholic beverages, and if so, in what state and at what location therein;

(15) A statement that no person except the applicant is in any way pecuniarily interested in said license or in the business to be conducted thereunder during the continuance of the license applied for, and a further statement that no manufacturer, brewer, distiller, or wholesaler, directly or indirectly, has any financial interest in the premises or business of the applicant and that the applicant will not thereafter convey or grant to any such manufacturer, brewer, distiller or wholesaler any such interest, except as otherwise permitted in this article; and that the applicant has at the time of making the application no indebtedness or other financial obligations and will not thereafter incur any such indebtedness or other financial obligation, directly or indirectly, to any manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic beverages;

(16) A statement that the applicant will, if granted a license, conform to all laws and regulations relating to the business in which the applicant proposes to engage;

(17) (i) A statement duly executed and acknowledged by the owner of the premises in which the business is to be conducted assenting to the granting of the license applied for, and authorizing the Comptroller, his duly authorized deputies, inspectors and clerks, the board of license commissioners of the county or city in which the place of business is located, its duly authorized agents and employees, any peace officer of that city or county, and any peace officer of any incorporated municipality in which the business is to be conducted, to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which the business is to be conducted, at any and all hours.

(ii) In Montgomery County, a statement and acknowledgment is not required where the applicant for a license is the lessee of the entire building in which the business is to be conducted for the entire term of the license to be issued.

(iii) In Baltimore City, a statement and acknowledgment by the owner is not required when the applicant is applying for a license pursuant to § 9-204.1(d) of this article if the applicant files an affidavit that the applicant is the lessee of the premises and accompanies the affidavit with a copy of the executed lease;

(18) (i) A certificate signed by at least ten citizens who are owners of real estate and registered voters of the precinct in which the business is to be conducted, stating the length of time each has been acquainted with the applicant, or in the case of a corporation with the

individuals making the application; that they have examined the application of the applicant and that they have good reason to believe that all the statements contained in this application are true, and that they are of the opinion that the applicant is a suitable person to obtain the license. The certificate must have a statement that the signers of it are familiar with the premises upon which the proposed business is to be conducted, and that they believe the premises are suitable for the conduct of the business of a retail dealer in alcoholic beverages.

(ii) In Baltimore County, persons who are owners of real estate and registered voters of Baltimore County and who reside within 1 mile of the premises for which a license is sought shall be those persons signing the certificate.

(iii) In St. Mary's County, persons who are owners of real estate within 5 miles of the premises for which a license is sought and registered voters of St. Mary's County shall be those persons signing the certificate.

(iv) This certificate is not necessary for applications filed in Dorchester County, Prince George's County, Montgomery County and Anne Arundel County.

(b-1) Prince George's County. -- In Prince George's County, if the applicant is in legal status in accordance with federal law, the application for a license shall contain proof of the applicant's legal status.

(c) Duties of Commissioners. --

(1) In Caroline County, when considering an application for a new license or a transfer of an existing license, the Board of License Commissioners shall:

(i) Obtain criminal records of the applicant from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services;

(ii) Require the applicant to submit the applicant's fingerprints;

(iii) Forward the fingerprints through the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

(iv) Keep all criminal records in a sealed envelope available only to the members of the Board and their designees.

(2) The Board shall charge a fee that the Board sets to cover the cost of obtaining the fingerprints and the results of the State and national criminal history records check.

(3) The Board may require applicants for license renewals to meet the requirements of this subsection.

(d) St. Mary's County. --

(1) In this subsection, "Board" means the St. Mary's County Alcoholic Beverage Board.

(2) This subsection applies only in St. Mary's County.

(3) For each license applicant, the Board shall:

(i) Apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State and national criminal history records check; and

(ii) Submit as part of an application for a criminal history records check:

1. Two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Criminal Justice Information System Central Repository and the Director of the Federal Bureau of Investigation;

2. The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

3. The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records.

(4) The Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services shall provide the requested information in accordance with Title 10, Subtitle 2 of the Criminal Procedure Article.

(5) This subsection does not apply to an applicant for renewal of an alcoholic beverages license.

(6) The Board may establish a fee to cover the cost of obtaining:

(i) The applicant's fingerprints; and

(ii) The State and national criminal history records check.

(7) The Board shall:

(i) Keep all criminal records confidential; and

(ii) Make all criminal records in its possession available only to Board members, the Board's designees, the Board Administrator, and the Board's inspector.

(8) A hearing for an applicant for an alcoholic beverages license and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal history records check by the date of the scheduled hearing.

(9) The Board shall adopt regulations to implement this subsection.

(e) Washington County. --

(1) (i) In this subsection the following words have the meanings indicated.

(ii) "Applicant" means an applicant for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license.

(iii) "Board" means the Board of License Commissioners of Washington County.

(iv) "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) This subsection applies only in Washington County.

(3) (i) The Board shall apply to the Central Repository for a State and national criminal history records check for each applicant.

(ii) As part of the application for a criminal history records check, the Board shall submit to the Central Repository:

1. Two complete sets of the applicant's legible fingerprints taken on forms approved by

the director of the Central Repository and the director of the Federal Bureau of Investigation;

2. The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

3. The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(iii) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Board the applicant's criminal history record information.

(4) The Board shall establish a fee to cover the cost of obtaining:

- (i) The applicant's fingerprints; and
- (ii) The State and national criminal records.

(5) Information obtained from the Central Repository under this subsection:

- (i) Is confidential and may not be redisseminated;
- (ii) May be used only for licensing purposes;
- (iii) Shall be kept in sealed envelopes available only to Board members, inspectors, administrators, and designees of the Board; and
- (iv) Shall be destroyed on completion of their necessary use.

(6) A hearing for an applicant and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal records by the date of the scheduled hearing.

(7) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository under § 10-223 of the Criminal Procedure Article.

(8) The Board shall adopt regulations to implement this subsection and preserve the confidentiality of the information obtained under this subsection.

HISTORY: An. Code, 1951, § 53; 1947, ch. 501, § 48; 1961, ch. 706; 1968, ch. 192; 1969, chs. 97, 108; 1970, ch. 696; 1976, ch. 532; 1977, chs. 188, 264; 1978, chs. 144, 556; 1979, chs. 305, 559; 1982, chs. 656, 747; 1983, chs. 8, 687; 1984, ch. 767; 1985, chs. 319, 439; 1986, ch. 252; 1988, ch. 201; 1989, ch. 5, §§ 1, 15; ch. 467; 1990, chs. 592, 600; 1991, ch. 7; ch. 55, § 1; 1992, ch. 22, § 1; 1993, chs. 218, 341, 594; 1994, ch. 39, §§ 1, 2; ch. 165, § 3; ch. 166, § 3; ch. 504; 1995, ch. 3, §§ 1, 2, 22; chs. 16, 291; 1996, ch. 10, §§ 1, 21; chs. 331, 366, 592; 1997, ch. 430; 1998, chs. 198, 262, 265; 1999, ch. 67; 2000, ch. 159, §§ 1, 2; 2001, ch. 29, § 6; chs. 35, 52; 2002, ch. 384; 2003, ch. 166; 2006, ch. 302, § 1; 2008, ch. 425, § 2; 2009, chs. 152, 433, 716; 2010, ch. 72; 2011, ch. 65, § 5; chs. 370, 592.

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